United Nations S/PV.4750

Security Council

Fifty-eighth year

Provisional

4750th meeting

Tuesday, 6 May 2003, 10 a.m.

New York

President:	Mr. Akram	(Pakistan)
Members:	Angola	Mr. Gaspar Martins
	Bulgaria	Mr. Raytchev
	Cameroon	Mr. Banoum
	Chile	Mr. Valdés
	China	Mr. Zhang Yishan
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Guinea	Mr. Boubacar Diallo
	Mexico	Mr. Aguilar Zinser
	Russian Federation	Mr. Konuzin
	Spain	Ms. Menéndez
	Syrian Arab Republic	Mr. Wehbe
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Negroponte

Agenda

The situation in Afghanistan

This record contains the text of speeches delivered in English and of the interpretation of speec' es delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

03-34657 (E)

The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Afghanistan

The President: I should like to inform the Council that I have received a letter from the representative of Afghanistan in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Farhâdi (Afghanistan) took a seat at the Council table.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Lakhdar Brahimi, Special Representative of the Secretary-General for Afghanistan.

I invite Mr. Brahimi to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Lakhdar Brahimi, Special Representative of the Secretary-General for Afghanistan, to whom I give the floor.

Mr. Brahimi: It is a privilege and an honour for me to brief the Council once again on Afghanistan. It is a particular pleasure and honour to be speaking under your presidency, Sir, and I wish you a very successful month at the head of the Security Council.

Members will recall that when I last had the privilege of briefing the Council, in January, I noted that the Bonn process faced a critical test this year and that, against a backdrop of ongoing and increasing security concerns, the Government, with support from the international community, would have to register significant progress in key areas such as national reconciliation, the building of national security structures and national reconstruction in order to safeguard the success of the process. Today, I must reiterate and amplify the concerns I raised in January because, although specific aspects of Bonn are proceeding, the process as a whole is challenged by the deterioration in the security environment, which stems from daily harassment and intimidation, inter-ethnic and interfactional strife, increases in the activity of elements linked to the Taliban and to Gulbuddin Hekmatyar, and the drugs economy. The process is also challenged by the fact that national security institutions are perceived by many Afghans, perhaps the majority, as not serving the broad national interests of all the people of Afghanistan.

Let me outline the areas of some of the main activities being conducted in Afghanistan these days. Members will see that the issue of security arises at every turn.

In an important step forward towards meeting the time frame set out in Bonn for convening the Constitutional Loya Jirga, the Constitutional Commission was inaugurated by the father of the nation, former King Zahir Shah, on 26 April. Composed of 35 members, including seven women, the Commission represents the full ethnic, regional and religious diversity of the Afghan people. The previously established Drafting Committee has prepared a preliminary draft constitution, which it will present to the full Commission soon. Next, over the summer months, the Commission is to consult the public on their views and aspirations related to the constitution. This will require the members of the Commission to break up into subcommittees that will visit all parts of the country and hold scores of large and not-so-large meetings with elders, religious and community leaders, women, intellectuals, traders and ordinary people. The United Nations will support and participate in those activities. Obviously, such activities require a minimum of security on the roads and in the cities and villages of Afghanistan. On the basis of its findings, the Commission will finalize a draft constitution and present it to the Constitutional Loya Jirga for its consideration and ratification — we hope, in October. And naturally, selecting the participants in the Loya Jirga and holding the assembly

itself will also require security and the absence of intimidation and harassment.

The elections called for under Bonn will also be a major undertaking. We are in the process of establishing the electoral unit of the United Nations Assistance Mission in Afghanistan (UNAMA), and early planning for national voter registration has begun. Given the considerable institution-building demands faced by the Government on all fronts, Afghanistan's own electoral capacity is not yet ready. As President Karzai requested in his letter of 15 February to the Secretary-General, the UNAMA electoral unit will have to play a core role throughout the entire electoral process, while at the same time helping to build the capacity of the future electoral management body.

The elections will require substantial resources, since registration and polling must reach every eligible Afghan across the country and in major refugee areas in a timely and equitable manner. In order to plan and effectively fulfil UNAMA's assistance in all phases of the electoral process, our electoral unit will require an element of assured funding through the assessed budget. Although substantial, it will constitute a fraction of the overall cost of the electoral exercise, and a larger, complementary budget for voluntary funding has also been prepared. I urge donors and Member States to provide the necessary support for this fundamental exercise, since effective preparations cannot commence until funds become available.

Security will be even more vital for the preparation and organization of the elections. The registration exercise will require the recruitment and training of some 3,000 Afghans — men and women — who will have to spend time in each of the nearly 400 districts and visit thousands of villages. As is the case with the consultations of the Constitutional Commission, that exercise can be conducted only if there is security. Furthermore, elections everywhere divide people and create tensions. Afghanistan will not be an exception, and, here again, security will be essential.

The Government has taken a step forward in what will be a long effort to control the poppy cultivation which makes Afghanistan the world's leading supplier of poppy. It is in the final stages of completing a 10-year national drug control strategy, with the assistance of the United Kingdom as lead nation. The President has requested the support of all Government ministers for this plan, which includes programmes for alternative economic incentives for farmers, as well as the building of Government capacity in the area of national law enforcement. It goes without saying that opium production and the drugs economy is a contributing factor to insecurity and, if unchecked, has the potential to undermine much of the institution-building effort and the rule of law in Afghanistan.

Though not at the levels recorded during last year's massive return of refugees, the rate of assisted refugee returns to Afghanistan has again increased significantly during the month of April. The Government and the Office of the United Nations High Commissioner for Refugees estimate that 600,000 Afghans will return this year from Pakistan, 500,000 from Iran and 100,000 from other countries.

There has been progress towards the national census called for under Bonn. The first phase of the census involves updating maps, locating and listing each house in Afghanistan and making preliminary population counts. That first phase will be completed nationwide by the spring of 2004 and will serve as the planning basis for phase two — the actual census — which will collect a wide range of information at the level of the individual and provide demographic and socio-economic information necessary for national planning and development.

In a moving display of determination and hope, the opening of schools on 22 March saw a record 4 million to 5 million children return to school, up from 3 million last year. The Ministry of Education, with support from UNICEF and the United States Agency for International Development (USAID), as well as from Japan and other donors, has provided school supplies for more than 4 million children and teaching supplies for 50,000 primary school teachers. There have been several incidents of arson against girls' schools, which may reflect either extremist action or rivalry among local commanders — probably both — but which fly in the face of most parents' desire to see both girls and boys in school.

In the judicial sector, the Judicial Reform Commission has completed a survey of the state of the judiciary in 10 provinces and major urban centres in the country. The Commission's survey team is focusing on the infrastructure and the functioning of the formal justice system, including staffing, procedures, correction and detention centres, as well as

on the informal justice system. It is expected that the final report of the survey will be available by the end of June and will provide a basis for projects in the judicial reform effort, which Italy assists as a lead nation.

With respect to administrative reform, progress towards reform of the public administration, although slow to date, is now picking up, owing in large part to the growing role of the Civil Service Commission. A review of the existing administrative laws is under way. This review will provide the basis for a definition of the legal framework and for the system of governance, which will be developed both centrally and sub-nationally.

The United Nations system is currently seconding 140 staff to various Government structures. To a large degree, the focus of the support of the United Nations has been on ministries and other entities at the national level. UNAMA has supported the planning and policy elaboration functions of the Ministry of Rehabilitation and Rural Development. Other United Nations agencies have focused their efforts on building the capacity of their respective counterpart line ministries. Finance and accounting systems are also being strengthened at both the central and provincial levels.

Concerning the Afghanistan Reconstruction Trust Fund, at the Afghanistan High Level Strategic Forum held in Brussels in March 2003, the Afghan Government presented a combined recurrent and development budget of $2.2 billion for fiscal year 1382, which runs from 22 March 2003 to March 2004. At the same time, donor commitments exceeded $1.95 billion. This is very encouraging indeed, although it should be recalled that additional resources will be needed for critical non-budgetary items such as the elections — which we think will run into something like $80 million — mine action and disarmament, demobilization and reintegration (DDR). The Government remains reliant on donor funds to cover funding shortfalls in the recurrent budget.

Turning to reconstruction more generally, the end of winter has allowed a number of reconstruction projects to begin. Foremost among these is the international effort to rehabilitate key roads and highways. For the road connecting Kabul to Herat via Kandahar, plans call for the Kabul-to-Kandahar portion to be completed by December of this year, while work continues on the Kandahar-to-Herat segment. Similarly, a consortium of international donors is funding the roads from Kabul to Kunduz and from Kabul through Jalalabad to Pakistan.

Much progress has been made on the implementation of two of the key national priority subprogrammes, the National Emergency Employment Programme (NEEP) and the National Solidarity Programme (NSP). The World Bank supports both of these programmes, which are designed to inject central Government funds into local economies. Discussions are being finalized for the implementation of the $75 million NEEP, which is intended to, first, provide productive employment opportunities for the most vulnerable people; and secondly, to develop infrastructure assets through labour-based methods, using a private-sector-led approach. The NSP officially commenced in April. At the time of launching, over $11 million had been received by the Government for this programme, which aims to empower local communities through the direct allocation of development funds to them.

With respect to the human rights situation, the Afghan Independent Human Rights Commission has taken encouraging steps to expand its work programme, with satellite offices now open in Herat, Bamyan, Mazar-e-Sharif, Jalalabad and Gardez. Others will be opening in the near future in Kandahar and Faizabad. The Commission, with the assistance of UNAMA, is actively investigating reports of human rights violations throughout Afghanistan. Afghanistan also ratified, on 4 April 2003, the Convention on the Elimination of All Forms of Discrimination against Women. This has sent an encouraging sign to advocates, both within and outside the country, for greater promotion and protection of the rights of women in Afghanistan. Also on a positive note, the Afghan Transitional Authority passed a new law granting Afghans the right to hold public assemblies or strikes. Afghanistan has also ratified the Rome Statute of the International Criminal Court.

Yet despite gradual progress in some areas, the human rights situation faced by Afghans throughout the country remains serious. In Herat, UNAMA is investigating alleged cases of summary executions, rape and other forms of sexual violence, and continuing political intimidation of journalists and civil society actors. In Laghman, several women participants in International Women's Day celebrations were beaten by armed groups allegedly linked to the authorities,

and the head of the Women's Affairs' Department in Laghman has received several threats against her life, possibly from Taliban remnants, warning her to stop all activities in the province. Additionally, in Logar province, reports of intimidation against women delegates to the Emergency Loya Jirga have been confirmed.

In the North, particularly in Faryab and Jawzjan provinces, fighting and insecurity have led to renewed displacement of Pashtun families to Kandahar and the internally displaced persons camp of Zar-a-Dasht in the south. In Takhar province, local commanders have prevented the return of Pashtun families to their villages, while in the north of Kunduz province, Pashtuns have been prevented from cultivating their lands, threatening their forced displacement. The Transitional Authority, the Human Rights Commission, UNAMA, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Return Commission for the North are trying to help resolve these tensions. However, continued insecurity and the absence of effective State judicial institutions unfortunately remains the rule rather than the exception. These conditions not only enable local commanders and Government officials to act with impunity, but also threaten to undermine the still-fragile peace process and the confidence of Afghans in it.

This is unfortunately not an exhaustive list of human rights violations in Afghanistan over the reporting period. International human rights organizations and activists often express outrage at and condemnation of cases of gross abuses. They also express frustration with the perceived lack of action to redress the situation. Obviously, we welcome such an interest and fully share these feelings. It is, however, important to note here that there is no quick fix here. The correct route to follow is to work with determination and patience to help Afghanistan build the instruments and institutions which will allow it to put an end to human rights violations: create a national police and national army; revive the judicial system and ensure the rule of law; and help the Afghan Independent Human Rights Commission to become the respected and effective watchdog the country needs.

Security — which casts a long shadow over the whole peace process and, indeed, over the whole future of Afghanistan — is the central issue. The security situation has been a constant theme in my briefings to the Council, and unfortunately, as I said earlier, I must inform members that it remains unstable and insufficient in much of Afghanistan. Rivalries among factions and local commanders, impunity with regard to human rights violations and daily harassment of ordinary Afghan citizens by both commanders and local security forces are all too common.

In addition, there are now almost daily attacks by elements hostile to the central Government and to those who support it. Forces believed to be associated with the Taliban, with Al Qaeda and with Hekmatyar have been stepping up operations against the coalition as well as against Afghan military and non-military targets in the south, the south-east and the east of the country. On 3 May, a national member of a demining non-governmental organization was shot dead and another was seriously injured when their work vehicle was fired upon on the main road from Kabul to Kandahar, in Wardak province. Local authorities are investigating. People who target these heroic deminers are not the enemies of the Afghan Government or of the coalition, and they are not foreigners. They are the enemies of the Afghan farmers who are waiting for their fields to be cleared and of the Afghan children who want to play without risking their lives. Indeed, people who attack deminers are the enemies of the entire Afghan nation.

Tensions and armed clashes occurred during the last week of April in Zabul province, although the causes of the violence are not yet clear. In early April, a prominent local tribal elder, Akhundzadah Jailani Khan, was assassinated. Most believe the Taliban to have been responsible for the murder because of the man's close relationship with President Karzai. A week later, a relative of the Governor of Kandahar, together with a bodyguard, were killed by suspected Taliban militants, not inside Afghanistan but in the Pakistani border town of Chaman. Coalition forces have regularly come under attack, and four of their number have been killed in recent weeks. Many more members of regional Afghan security forces in the south have died in fighting and as a result of assaults on their guard posts.

On 6 March, two International Security Assistance Force (ISAF) vehicles were hit by a remotely detonated explosive, which killed one ISAF interpreter and injured a soldier. The device showed a level of sophistication not previously seen in this kind of incident in Afghanistan. At the end of March, the

ISAF headquarters complex in the capital received a direct hit by a missile, but fortunately there were no casualties. Nine days later, rockets landed short of another ISAF compound in the city, and on 13 April an explosive device was detonated as two ISAF vehicles drove by. Once again, ISAF was extremely lucky not to have suffered any injuries to its personnel — and here, we too were lucky.

The threat posed by these elements to the international community was driven home by the shocking murder, in cold blood, of an International Committee of the Red Cross (ICRC) worker in late March — the first such killing of a foreigner since 1998. That incident was followed closely by the murder of another foreigner, an Italian visitor, in Zabul province. Indeed, a growing number of attacks have been directed against foreign aid organizations and against the United Nations. On 16 April, a grenade was thrown into a United Nations Children's Fund (UNICEF) compound in Jalalabad. Eight days later, an explosive device was thrown into a United Nations Office on Drugs and Crime (UNODC) office, also in Jalalabad. Fortunately, both of those incidents were without injury. On 22 April, a United Nations mine action vehicle came under sustained and targeted small-arms fire on the road from Kabul to Jalalabad at a point not far from Kabul near the Sarobi pass, injuring two of the car's three occupants. People trying to come to the assistance of the United Nations employees were fired upon to prevent them from helping the injured.

As these attacks on non-governmental and international organizations become more and more threatening, the pressure to suspend or withdraw operations increases. Already, the ICRC and a number of non-governmental organizations are reducing their operations in the south, with immediate consequences for key programmes that provide support to local populations. The United Nations is also currently undertaking a critical review of its operations and of its security measures. My colleagues and I have indicated to the Government and to the diplomatic community in Kabul that, while there will be no panic, we will certainly not be irresponsible. We will continue operations in all areas, where possible and to the maximum extent possible, but we, of course, cannot guarantee that United Nations and other civilian aid organizations will maintain current operational levels if the security of their personnel cannot be ensured. We expect better information exchange among the United Nations and coalition and Government authorities and strengthened measures to improve security where civilian aid workers are operating.

Afghanistan's neighbours play a crucial role in helping to ensure that the country's security is maintained, and the declaration they signed on 22 December 2002 is an important expression of solidarity on their part in that regard. As the Council will be aware, there are worrying reports of hostile elements crossing into Afghanistan over the eastern and southern borders. Pakistan has expressed its continuing readiness to address that problem, and the deployment of its armed forces in the border areas is a concrete example of that. I had the privilege of meeting President Musharraf in March, and he reaffirmed to me his strong support for President Karzai and his Government. He also expressed his readiness to discuss all issues and to cooperate fully with Afghan authorities, particularly in the area of security. On 22 April, President Karzai visited Islamabad. I think that his talks with President Musharraf have been timely, important and extremely useful for consolidating brotherly relations and cooperation between the two countries. It is my sincere hope that those and all of Afghanistan's other regional bilateral relations are being consistently strengthened with a view to protecting the fragile peace in the country.

Insecurity is also being exacerbated by the continuing occurrence of factional clashes. In the provinces of Badghis and Faryab, recent incidents have left more than 50 people dead. According to reports, 15 women and children from Bala Murghab, in Badghis, drowned in a river as they fled their attackers, while houses and shops in the area's villages were looted in a continuing pattern of human rights violations targeted against the ethnic Pashtuns in the area. In Maimana, fighting between the opposing Jumbesh and Jamiat factions broke out once again in a new manifestation of their contest for dominance in the north, which has terrorized the population. The impunity that the perpetrators of such crimes enjoy threatens to damage the integrity of the peace process and the support that the Government enjoys.

Clearly, the ultimate solution to such problems lies in creating Afghan security forces capable of ensuring peace. President Karzai's recent speech to the Afghan nation placed security sector-reform once again firmly at the centre of his Government's agenda. The

President announced the start date of 22 June for a programme of disarmament, demobilization and reintegration that will be carried out by the Afghan New Beginnings Programme, which is supported by the international community, with Japan and the United Nations in the lead. The planned DDR programme will include those officers and soldiers who are currently in military formations under the umbrella of the Ministry of Defence, up to a maximum of 100,000 persons.

But before the DDR programme can start, the letter and spirit of the presidential decree of 1 December 2002 on the formation of the National Army needs to be implemented with respect to the reform of the Ministry of Defence, as well as the Ministry of the Interior and intelligence structures. Encouraging progress has been made in the building of a new national army and a national police service, with the assistance of the United States and Germany as lead nations, respectively. But these efforts and the nationwide DDR programme will be successful only if there is confidence among all Afghans that the new security structures will have room for them and will serve the interests of the whole nation. Recent appointments in the Ministry of Defence represent a timid but welcome start towards redressing the ethnic imbalance in that key security institution, but more needs to be done before most Afghans will accept the security institutions as truly national.

There is also a heavy onus on the senior leaders of the Afghan military, who gathered in Kabul on 19 and 20 April from across the country to discuss the building of the new national army. Their verbal expressions of support for a new multi-ethnic army must now be matched by actions to demobilize their own forces to ensure that the new army will be under civilian control and will be the only instrument of force remaining in the country. The factional leaders have to face up to their responsibilities if they want to be part of the new Afghanistan. To that end, they will have to give up effectively the old ways, as there can be no room in this new Afghanistan for private armies, for private jails, for arbitrary arrests, for brutality, for corruption or for discrimination on ethnic or any other grounds. I think that the partners of Afghanistan, starting with its neighbours — but not limited to them — must signal in no uncertain terms that the international community will not deal with factional leaders, no matter what official titles they may have. We all must make it clear that we deal only with the Government of President Hamid Karzai and with those who are loyal to that Government in both words and deeds.

The nascent security institutions cannot be expected any time soon to provide the security that is desperately needed. The development of new security institutions after they were torn apart by more than two decades of vicious war is a time-consuming and painstaking process. It has been a fundamental premise since the time of the Bonn conference that the Bonn process needs to be underpinned by an improving security environment. The focus during the first year of the peace process was on the capital, Kabul, where the presence of ISAF over the past 16 months provided the stability necessary for the holding of the Emergency Loya Jirga and to start rebuilding the institutions of central Government. But now the rest of the country must experience increased security lest support for the Government and the Bonn process erode dangerously. The forthcoming stages of the Bonn process must by nature be broad-based, covering the entire country. The electoral registration this year and the elections in 2004, the consultation process and the national debate on the new constitution are undertakings that will require sufficient security across the whole of Afghanistan. Disarmament and demobilization, themselves a prerequisite for free and fair elections, cannot succeed if local confidence is eroded by instability and insecurity.

In view of this, I would ask the Council once again to carefully consider what international measures are available to help ensure the security needed for the Bonn process to effectively proceed. ISAF has shown its effectiveness in Kabul, but we have seen from the recent series of incidents there that insecurity outside of Kabul will creep into the capital. The Secretary-General and myself have advocated the expansion of ISAF beyond Kabul and I believe this remains part of a potential response to the question of security for the Bonn process. I also think that the provincial reconstruction teams deployed by the coalition can play an important part in addressing the problem of security.

Also, the insecurity in the provinces could be better addressed by a strengthened Afghan police presence. The new Minister of the Interior, Ali Ahmad Jalali, is injecting a new energy into the excellent programme developed by Germany, as the lead nation for the formation of the national police. A new structure for the Ministry of the Interior has been

approved by the President, streamlining the institution and creating a much more efficient and clear line of command and control between Kabul and the provinces. It also consolidates all the police functions under the Ministry of Interior. Work is in progress to create a highway patrol that will provide security along the roads of Afghanistan. The Minister also hopes to put together a rapid-reaction police force that can be deployed quickly to any part of the country. This concept has already been put to the test in Maimana, where a small force was deployed to provide a neutral security presence following the interfactional fighting that I referred to earlier.

But these worthy initiatives require money and, to date, the level of donor commitments to the United Nations Law and Order Trust Fund for Afghanistan is insufficient to allow the Ministry of the Interior to effectively strengthen the Afghan police. Of the $120 million the Trust Fund is expected to cover until June next year, only $11 million has been paid into the fund to date and a further $35 million to $40 million pledged.

I believe the Council would agree that the Bonn process could never be expected to be easy. Hesitation, doubt, frustration and setbacks are part of such an endeavour. The progress made thus far has been considerable, considering the state of the country after three decades of instability, with more than two decades of brutal civil war. But we must now be careful not to let the current threats to the peace process and the growth in the number of Afghans who are becoming disaffected with the state of their nation undermine this progress. The benefits of the peace are still largely centred on Kabul and a peace dividend still eludes the vast majority of Afghans.

As I have stressed today, there are many signs that the security situation throughout Afghanistan is worsening precisely as the next phases of the Bonn process need it to improve. There is a real but still avoidable risk that the Bonn process will stall if security is not extended to the regions and that Afghans will lose confidence in the central Government if it cannot protect them. Further progress cannot be achieved in a security vacuum, and if it is not, dissatisfaction will grow. Reconstruction and recovery are also being hampered by insecurity in the south and elsewhere, and this will contribute, in a vicious cycle, to further disaffection, increased crime and, in turn, further insecurity.

The Government can, and must, do its part to address this. One key element in doing so is to accomplish reforms that ensure that all Afghans can support the Government's institutions and feel a sense of responsibility for protecting those institutions. In order to help the peace process along, those who do not oppose the peace process and who are committed to non-violent means, regardless of their political or ethnic affiliation, must be provided with political space and equal opportunities. Where there are constituencies that feel left out of the process there is fertile ground for those committed to violent opposition to find sustenance. Creating the conditions necessary for truly national participation in that process over the coming months is therefore of the utmost importance.

I think that President Karzai and his colleagues in the Government are very much aware that widely shared perceptions of unfairness and discrimination on ethnic and other grounds need to be corrected urgently. President Karzai made that point very forcefully in a speech he made last week to an assembly of religious leaders. In particular, he reminded his audience, and the country at large, that there must be room for everyone in the political process, including people who may have served the Taliban regime, if those people genuinely support peace and national unity. The President and his ministers have to act now. I very much hope that the Security Council, the neighbours of Afghanistan, the international community as a whole and all of us who are engaged in the field with the Afghan people will fully contribute our respective share in support of this major effort at this very critical time.

The President: I thank Mr. Brahimi for his comprehensive briefing to the Council, as well as for his kind words addressed to me.

In accordance with the understanding reached in the Council's prior consultations, I should now like to invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 11.05 a.m.

United Nations S/PV.4751

Security Council

Fifty-eighth year

Provisional

4751st meeting

Tuesday, 6 May 2003, 1.35 p.m.

New York

President:	Mr. Akram	(Pakistan)
Members:	Angola	Mr. Gaspar Martins
	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Belinga-Eboutou
	Chile	Mr. Acuña
	China	Mr. Chen Xu
	France	Ms. D'Achon
	Germany	Mr. Pleuger
	Guinea	Mr. Boubacar Diallo
	Mexico	Mr. Pujalte
	Russian Federation	Mr. Konuzin
	Spain	Ms. Menéndez
	Syrian Arab Republic	Mr. Wehbe
	United Kingdom of Great Britain and Northern Ireland	Mr. King
	United States of America	Ms. Connelly

Agenda

The situation in Liberia

Letter dated 24 April 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia addressed to the President of the Security Council (S/2003/498)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

03-34663 (E)

The meeting was called to order at 1.35 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Liberia

Letter dated 24 April 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia addressed to the President of the Security Council (S/2003/498)

The President: The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2003/498, which contains the text of a letter dated 24 April 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia, transmitting the report of the Panel of Experts appointed pursuant to paragraph 4 of Security Council resolution 1458 (2003).

Members of the Council also have before them document S/2003/522, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by a show of hands.

In favour:

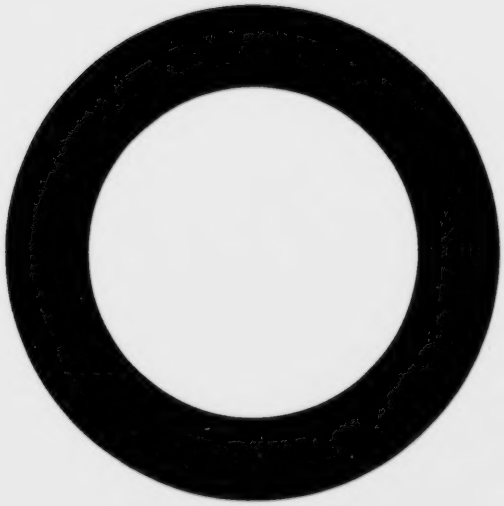
Angola, Bulgaria, Cameroon, Chile, China, France, Germany, Guinea, Mexico, Pakistan, Russian Federation, Spain, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America.

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1478 (2003).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The Security Council will remain seized of the matter.

The meeting rose at 1.40 p.m.



United Nations S/PV.4752

Security Council

Fifty-eighth year

Provisional

4752nd meeting

Tuesday, 6 May 2003, 4.30 p.m.

New York

President:	Mr. Akram	(Pakistan)
Members:	Angola	Mr. Gaspar Martins
	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Belinga-Eboutou
	Chile	Mr. Valdés
	China	Mr. Wang Yingfan
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Guinea	Mr. Boubacar Diallo
	Mexico	Mr. Aguilar Zinser
	Russian Federation	Mr. Lavrov
	Spain	Mr. Aznar
	Syrian Arab Republic	Mr. Wehbe
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Negroponte

Agenda

Threats to international peace and security caused by terrorist acts

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03-34669 (E)

The meeting was called to order at 4.40 p.m.

Expression of welcome to the Prime Minister of Spain

The President: On behalf of the Security Council, I extend a warm welcome to His Excellency Mr. José María Aznar, the Prime Minister of Spain.

Adoption of the agenda

The agenda was adopted.

Threats to international peace and security caused by terrorist acts

The President: The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

I would like to welcome the presence of the Secretary-General, His Excellency Mr. Kofi Annan, at this meeting.

The first speaker is the distinguished Prime Minister of Spain, His Excellency José María Aznar. I invite His Excellency to make his statement.

Mr. Aznar (Spain) (*spoke in Spanish*): It is most gratifying to me that the first hours of this visit to New York are being spent at the United Nations.

I have just had a very cordial and very satisfactory meeting with Secretary-General Kofi Annan, and it is an honour to have this opportunity to address the Security Council in order to communicate some thoughts on a subject that, for all of us, is a serious concern and a test of our ability to work for peace and security.

A little more than a month ago, on 4 April, Spain assumed the chairmanship of the Counter-Terrorism Committee (CTC) established by the Security Council. We assumed that duty motivated by two sentiments and an aspiration. The sentiments were those of responsibility — of shouldering our share of responsibility in our common cause against terrorism — and of solidarity with the men and women and countries that are the victims of terrorism. The aspiration is that of adding our efforts to the CTC's momentum in leading that undertaking.

Resolution 1373 (2001), which established the Committee, was adopted exactly 17 days after the terrorist attacks of 11 September. The Security Council, appalled by that eruption of horror, proved itself equal to the circumstances and was able, within only a few days, to reach agreement on adopting one of the most far-reaching texts in its history.

During the last year and a half, under the extremely effective chairmanship of the United Kingdom and the valuable support of all of members of the Council, the Committee has done an excellent job unprecedented in its breadth and scope. However, in my opinion, we must not fall into complacency. The last thing that we should permit is that 11 September should sink into oblivion, as if it had been a bad dream or a unique and unrepeatable event, or that our Committee should lapse into routine and a lack of ambition.

Terrorism certainly acquired global dimensions with 11 September, but it did not come into existence on that date. The nature and magnitude of its threat had been evident long before. From the beginning, the principal characteristics of terrorism have only been confirmed. I shall attempt briefly to sum them up.

First, terrorism is a threat against civilization — against all civilizations. It is not an unjustifiable means merely because of its recourse to indiscriminate violence. Nor is it effective in achieving its ends, because the religious or political causes that it purports to serve become its first victims. Terrorism is primitive and atavistic. Its aim is to subject and silence by means of violence, undermining free consent and free speech, which are the foundations of all civilizations.

Secondly, terrorism is a threat against democracy. It is taking shape as the new totalitarianism of the twenty-first century. The reincarnation of the totalitarianisms of the past century, it is the main enemy of open societies.

Thirdly, terrorism is a threat against international peace and security. It is a destabilizing factor and a brake on the building of a freer, safer and more just international order.

In recent years, we have lived under the influence of shifting paradigms in the defining of a new international order. In my opinion, we have all seen it demonstrated that we are not facing the end of history but, rather, a new chapter that must be written by us all. We are not facing a clash of civilizations but, rather,

the clash of the new barbarism against the civilization that it aims to destroy.

Lending credence to the idea of the existence of an inexorable antagonism between civilizations, religions or cultures amounts to falling into the trap of dialectics that the terrorists — practitioners of monologue and the enemies of dialogue — would like to impose.

We know that terrorism is one of the main challenges to the international order. The chance to universalize freedom and prosperity is one of that order's greatest opportunities. The shape of the future international order will largely depend on how we deal with the challenges and how we are able to take advantage of the opportunities.

Fourthly, all terrorism is one and the same despite its thousand different faces. It adopts different forms, but in its substance, it retains one identity. There is not domestic and international terrorism, old and new terrorism, or first- and second-class terrorism. Such classifications belong much more to the world of academic treatises than to that of political leadership and, despite its intentions, contribute to the sowing of confusion. All types of terrorism, which are the manifestation of imposition by means of violence, are fundamentally the same and must be combated with the same aggressiveness and the same absence of condescension.

Fifthly, terrorism is not something that concerns one country or another; it concerns us all. It is transnational. It exploits the vulnerabilities and gaps in the judicial order of the organization of our societies and the very dynamic of international relations. The international community as a whole finds itself challenged precisely where its fundamental values are contested.

Sixthly, terrorism is a threat that casts a long shadow over the future, and as such, we must combat it with strong and sustained tenacity. The prospects could be thoroughly ominous if the natural alliances between so-called emerging threats — in particular between terrorism and weapons of mass destruction — were to materialize.

The attributes that I have enumerated demonstrate that terrorism is a menacing but not invincible evil. Thus, we must rethink the phenomenon of terrorism and the national and international security architecture that we have been constructing to combat it.

I believe that terrorism constitutes both an ethical and a strategic challenge. The response to the first challenge requires the development of a democratic culture of opposition to terrorism, renewing the authority of principles that are essential to any society and ensuring values that we all must share.

The strategic challenge posed by terrorism requires more ambitious collective responses. I shall briefly outline some thoughts on ways to strengthen those responses.

First, I believe that we should strengthen the Counter-Terrorism Committee. We must enhance the means available to it and its capacity for supervision and for facilitating assistance to countries, as well as for coordination with other international and regional organizations. Cooperation with the disarmament agencies, especially those responsible for weapons of mass destruction, must be a priority on our agenda. In order to increase the Committee's operational capability and visibility, I believe that we should consider the possibility of empowering it to draw up a general list of terrorist organizations, similar to the list kept by the Committee established by resolution 1267 (1999) on Al Qaeda and the Taliban.

Second, I believe that the Committee should focus on certain priorities. In this connection, it is essential to strengthen mechanisms aimed at curbing the proliferation of weapons of mass destruction and the availability of such weapons to terrorist groups. We must also further improve existing measures to cut off financing to and dismantle financial networks that provide resources to terrorists, who take advantage of the openness of our economies and our financial systems.

Third, we must maintain a policy of firmness. Zero tolerance for terrorism should come first in any code of conduct promulgated by the international community.

Fourth, we must increase international cooperation. Counter-terrorism assistance should be regularly incorporated into international, bilateral and multilateral cooperation programmes. The World Bank, the International Monetary Fund and the Group of Eight are called upon to play a particularly relevant role in this area.

Fifth, we must elaborate procedures to prevent terrorist groups from using the United Nations system as a platform for conveying their violent message to the world, in order to justify their actions or to obtain political advantages.

Sixth, we must give a clear voice to the victims of terrorism. We must commit ourselves to an active policy of remembering, not forgetting. We must allow victims of terrorism to speak out and to bear witness within the framework of the United Nations by setting up an institutional mechanism that can serve as their forum.

Seventh, we must deprive terrorists of any legitimacy, and we must disclose the pretexts that they use. Here, I believe that it is imperative to reactivate the Middle East peace process, with the help of the road map, and to find a solution to the conflict between Israelis and Palestinians. Moreover, we must address the social factors that terrorist organizations use as excuses. Finally, we shall have to take initiatives aimed at fostering dialogue between civilizations, religions and cultures.

Spain is a democratic and European nation. We are facing the fight against terrorism from this dual perspective. This fight has as a basis the firm resolve to defend all the rights and freedoms of all citizens, to uphold the supremacy of law and to strengthen our solidarity towards the States committed to this common objective. In so doing, we will not only be combating a criminal phenomenon. We must also keep our societies and relations among peoples free from mistrust, fear and the threat of terrorism.

Within the sphere of the European Union, Spain, along with its partners, has actively promoted major advances in the fight against terrorism. Cooperation, which for us is particularly intensive and valuable with France, transcends the bilateral framework and has enabled the European Union to equip itself with new legal and judicial instruments and mechanisms for police cooperation.

Terrorism has not been, and will never be, a solution. It is the problem. Its defeat will require considerable effort, active collaboration and involvement by all, whether or not they feel directly threatened by this scourge.

We must therefore denounce the fact that those who are capable of committing systematic acts of the greatest brutality use the noblest causes as their pretexts. We must take action against the organizations and groups that make the operation of terrorist groups possible. We must acknowledge the pain and suffering of the victims and prevent the seeds of hatred sown by terrorism from taking root in the hearts and minds of the children and young people, through whom terrorism wishes to perpetuate itself.

As representatives of States meeting in this Organization under its founding Charter, we must renew our commitment and our efforts to prevent terrorism from undermining, in any way, dialogue and cooperation, which is the only path that will yield the solutions that our peoples need today and in future.

The President: I thank the Prime Minister of Spain for his important statement.

Mr. Negroponte (United States of America): First of all, I would like to welcome Prime Minister Aznar to New York and also to thank him for his very insightful and important remarks and for the significance that his presence brings to the work of the Security Council in the struggle against international terrorism. We would like also to thank the Secretary-General for his presence among us today.

Terrorism constitutes a clear and present danger to the ability of all the world's people to live in peace and security. Each member of the Security Council recognizes that this is true, and each has said so repeatedly. As long as terrorists are permitted to thrive, no land is safe and no border is secure. In recent months, terrorist strikes in Indonesia, Russia, Kenya and Colombia have attacked innocent victims from a multitude of nationalities. Last year alone, the United States Department of State counted 199 significant terrorist incidents across the globe.

In New York City, we at the United Nations live and work each day in the shadow of 11 September 2001. We are charged with a heavy responsibility, and the Security Council has been responding. Its scorecard in confronting terrorism is an example of how the Council can fulfil its duty to strengthen peace and security.

Resolution 1373 (2001), adopted in the immediate aftermath of 11 September 2001, is generating a worldwide juridical transformation. Spurred by resolution 1373 (2001), Member States have accelerated their accession to the 12 United

Nations Conventions and Protocols on Counter-terrorism, propagating the legal norms necessary to deter and prosecute terrorist acts across the globe.

The numbers are impressive. In September 2001 only two States were party to all 12 conventions. Today the number stands at 31, including six members of the Council, and another 36 States are closing in on the target. In the judicial universe, where, quite properly, change is slow, this is a radical shift. Clearly, with resolution 1373 (2001), the Security Council got something right.

We should like to take this opportunity to acknowledge the work of the Counter-Terrorism Committee (CTC), which is charged with monitoring the implementation by States of resolution 1373 (2001), and of its current Chairman, Ambassador Arias. The CTC maintains a continual dialogue with Member States that helps to identify gaps in counter-terrorism capacity. Where outside assistance is needed, the CTC is helping States to find it.

Through the CTC, the Security Council is fostering a global counter-terrorism network. It includes scores of international institutions and regional and subregional organizations that are moving to reinforce the Council's message that there is no tolerance for terrorism in the twenty-first century. The Council has taken the fight to Al Qaeda and the Taliban. Resolutions 1267 (1999), 1390 (2002), 1452 (2002) and 1455 (2003) provide strong direction to the Security Council Committee established pursuant to resolution 1267 (1999) concerning Afghanistan — the 1267 Committee — which, under the leadership of Ambassador Valdés of Chile, is quietly and effectively working to block terrorist finances. Its consolidated list of terrorist entities and individuals linked to Al Qaeda and to the Taliban has led to a worldwide freeze of $134 million. Ninety-eight million dollars of those funds were frozen outside United States borders. The United Nations 1267 list currently comprises 355 individuals or entities. Forty-one countries have submitted reports to the Monitoring Group that reinforced the mandate of 1267 and constituted a key step in realizing improved implementation by States of the Al Qaeda-Taliban sanctions regime.

The list of names and the dollar figures tell only part of the story, which is about making common cause to deprive terrorists of the means to commit their crimes. Success in the war on terrorism depends on sustained international cooperation and political will. The Security Council has played an important part in fostering that cooperation and in encouraging countries and organizations to join the fight. Under the leadership of Spain, as Chair of the Counter-Terrorism Committee, and Chile, as Chair of the 1267 Committee, it will, I am sure, continue to do so.

Sir Jeremy Greenstock (United Kingdom): The United Kingdom, too, is delighted to see the Spanish Prime Minister here among us in the Security Council, speaking about this extremely important subject. I must commend my Spanish colleague for achieving something in 32 days that I was unable to do in 18 months: to bring his Prime Minister to the Council to speak about counter-terrorism.

Once again, the Prime Minister has underlined for us the importance of the global approach to terrorism. Individual States acting in isolation — however powerful they may be — cannot deal with the problem of terrorism on their own. The work of the Counter-Terrorism Committee (CTC) has been to establish a global coalition on the basis of 100 per cent comprehensive action against terrorism throughout the United Nations system, and it shows once again how uniquely placed the United Nations is to support and facilitate a global approach of that kind.

We believe that the Security Council has a responsibility to ensure that every Member State of the United Nations takes action to combat this threat to international peace and security. The policy we are following is superbly encapsulated by resolution 1373 (2001), which retains its unique power even 19 months after its adoption. Now, under Spain's stewardship, the Committee is tackling the global challenge of terrorism, and I commend Ambassador Arias for the vigour of his chairmanship so far. The United Kingdom will sustain its commitment to supporting the Committee and to helping to eradicate terrorism.

But we need to have a focus for the next stage, and the Prime Minister's address has given us some very important pointers in that regard. We must step up the emphasis on assistance, quickly and vigorously given to the States that need it; we need to identify needs and to match them with donors. The regional organizations have a very important part to play here, because the provision of assistance is a key test of the success of the whole CTC approach, and it is vital to change the reality on the ground in each Member State

that needs to raise the bar of its activities against terrorism.

A very important part of our mechanism now is our group — our corps, as it were — of experts, who are increasingly gaining a clear picture of the global implementation of resolution 1373 (2001). They have identified gaps in implementation, and — as I think the Spanish Chair recognizes — it is now necessary that the CTC, with the advice of experts, take action with respect to States that are falling behind on implementation. That requires a sharper critical analysis that may have its political aspects but is nevertheless essential for the CTC to engage in.

An increasingly experienced and professional Counter-Terrorism Committee must bring its concerns to the Security Council — as resolution 1456 (2003) requested, following our ministerial meeting in January. And in turn, the Council — not just the Committee — will need to be prepared to respond. Although we must continue our contacts with States through the exchange of letters, I think the time is approaching when we need to more systematically organize visits by CTC experts to Member States that could benefit from such visits and would be willing to receive them, and where the experts could help clarify areas of expertise and assistance in situations where that would be of benefit.

In that context, I was very interested to hear what the Prime Minister had to say to us about invigorating the CTC. I warmly support all his points, although I offer a word of caution about the drawing up of a list of global terrorist organizations. That will be possible when we have a fully agreed definition from the General Assembly of what terrorism is. But short of that point, there are difficulties with regard to drawing up a list within the Counter-Terrorism Committee, and I would advise a certain amount of reservation on that point.

In January the Council also discussed the dangers inherent in a world where weapons of mass destruction and terrorism coexist. The pointers that Prime Minister Aznar gave us on that are extremely welcome. We look forward to the meeting of the CTC on 15 May with the technical agencies and organizations whose activities relate to the control and use of these materials, and we hope that that contact will inform the CTC's future work programme.

Finally, I welcome the Prime Minister's emphasis on mainstreaming counter-terrorism into all United Nations activities and programmes where it is relevant. I especially welcome the symbolism of his presence here in pointing to the need for sustained political support and momentum from capitals if the CTC is to succeed.

Mr. Aguilar Zinser (Mexico) (*spoke in Spanish*): My delegation warmly welcomes the head of the Government of Spain, His Excellency Mr. José María Aznar. His visit is proof of his country's commitment in the fight against terrorism, and the message that he has brought us reaffirms Spain's leadership in this task — leadership that is now shown in Spain's assumption of the chairmanship of the Counter-Terrorism Committee (CTC). Ambassador Innocencio Arias's task is shared by us all. His vitality is yet further proof of Spain's capacity to join in the efforts of the Security Council to combat terrorism.

Today, it is more than ever evident that there is an urgent need to strengthen the efforts of the international community to combat and eradicate that scourge and to keep it from endangering peaceful coexistence among nations. Mexico reiterates its condemnation of any act or manifestation of terrorism and its rejection of any argument aimed at justifying it. My country's delegation is also pleased to have the opportunity today to celebrate the bonds of deep friendship between our peoples and Governments, as well as the close ties that have united us throughout history.

The excellent cooperation that has characterized our relations also extends to the campaign against terrorism. Special circumstances have committed us on that path. In recent times, Mexico and Spain have strengthened their cooperation in this sphere. We have the necessary political will to be effective. We share purposes and objectives. Our communication is fluid. We exchange information on a daily basis and there is complete trust and respect between us.

Treaties between Mexico and Spain on extradition and mutual legal assistance are the bases of our understanding, but we recognize the magnitude of the challenge. We are aware of the resources available to the terrorists and our institutional and legal mechanisms are therefore constantly evolving. Bilateral cooperation between Mexico and Spain is carried out in this sphere in tandem with the collective

efforts of the international community. This process is sustained in a series of instruments, agreements and treaties of the United Nations. One such instrument, perhaps the most useful and the most important, is the Counter-Terrorism Committee, currently chaired by Spain, in compliance with resolution 1373 (2001).

Mexico reaffirms the priority role of the United Nations as the forum that the community of nations has created to do its work in meeting global challenges. My country is convinced that we will be more effective in combating terrorism to the extent that the will of States is expressed in the context of multilateral agreements, activities and endeavours, undertaken under international law, as opposed to unilateral actions of force.

Combating terrorism is also, in essence, a battle for freedom and the preservation of the values of human coexistence. The worst possible effect of terrorism is the destruction of legal order and the regime of democratic liberties. That is why Mexico, within the General Assembly and, recently, in the Commission on Human Rights, has promoted resolutions emphasizing the need to protect human rights in the struggle against terrorism. It has also noted the role of the Counter-Terrorism Committee in that important matter. Similarly, I would recall that, at the 20 January ministerial meeting on terrorism, the Council adopted resolution 1456 (2003), in which States were requested fully to respect human rights in all their anti-terrorism measures. Mexico will continue to cooperate in this global effort, convinced that, in the combat against terrorism, international law should be seen not as an impediment, but as a valuable arm.

Spain is a vital ally of this Council in the fight against terrorism. Mexico is well aware of the values of Spain and its people, as well as of the commitment of Prime Minister José María Aznar to fighting terrorism. Mexico knows what the Spanish people have suffered at the hands of terrorism. Terrorism does not recognize values, respect life or believe in dialogue. Terrorism respects no one. Our responsibility is to combat it together.

Mr. De La Sablière (France) (*spoke in French*): France warmly welcomes the presence in our Council today of Mr. José María Aznar, Prime Minister of a friendly country. We are all the more pleased because Mr. Aznar has expressed his views on a subject that is crucial not only to Spain, but to the entire international community.

Spain, which has long been hard-hit at home by terrorism, can indeed — and, I would add, regrettably — usefully share with us its experience, dearly bought in the fight against the scourge of terrorism. Its recent accession to the chairmanship of the Counter-Terrorism Committee is all the more valuable for it.

Prime Minister Aznar recalled that the States members of the European Union have not hesitated to join efforts, especially since 11 September 2001, to strengthen specific measures in all areas in order to counter terrorism more effectively. I will cite but a few telling examples here: the accelerated establishment of a European legal space and a European police force; a common definition of the act of terrorism; the creation of a European arrest warrant to replace the former extradition system; the strengthening of Europol; and enhanced measures against the financing of terrorism. Spain and France, which have cooperated closely in the campaign against terrorism, have worked together to promote the adoption of these measures.

I will now turn to the actions of our Council and the United Nations. I wish briefly to touch upon a few points.

The first is that the scourge of terrorism, being global and multifaceted, makes it essential for the entire international community to mobilize and cooperate actively and tirelessly. This mobilization must always be vigilant and operational. Over and above resolution 1373 (2001), the Security Council has a key role to play in that respect, as noted in resolution 1456 (2003), adopted on 20 January at the ministerial meeting of this Council on this issue.

My second point is that such crucial mobilization can be truly effective only to the extent that all countries which require enhanced technical assistance receive it in order to help them to strengthen their national machinery in the struggle against terrorism. It is from this perspective that France, through its Minister for Foreign Affairs, has proposed in this very Chamber the establishment of a United Nations cooperation and assistance fund closely linked with the international financial institutions.

My third point is that the link between terrorism and other global threats, including the proliferation of

weapons of mass destruction, must be better taken into account. In that context, on 20 January my country announced its intention to make specific proposals, including on the elaboration of an international convention strengthening the monitoring of the use and transfer of radioactive sources.

The Security Council is of course concerned primarily about these dangerous links threatening international peace and security. It has certainly begun to deal with them, but efforts in this regard need to be enhanced. As key as it may be, its role in this area cannot be exclusive in nature. International institutions and agencies with expertise in this field must also be actively engaged.

In addition, France also attaches great importance to ensuring that the 12 existing international instruments intended to counter various types of terrorist acts — in particular the 1999 International Convention for the Suppression of the Financing of Terrorism — are quickly ratified by all States, as called for by Security Council resolution 1373 (2001).

In conclusion, I would like to repeat our recent suggestion that the Counter-Terrorism Committee be requested to brief the Security Council about the difficulties or problems most often faced by States in their implementation of resolution 1373 (2001), as reflected in the national reports submitted to the Committee. We believe it is important for the Council to be able to discuss those aspects and their potential implications in detail.

Mr. Pleuger (Germany): I would first of all like to join other delegations in welcoming the presence of Prime Minister Aznar of Spain at this meeting. I would also like to say how much we appreciate his important statement, to which we listened with great attention.

The fight against terrorism remains one of the top priorities on Germany's foreign policy agenda. I would like here to briefly point to three fundamental considerations guiding Germany's counter-terrorism policy.

First, international terrorism is a strategic threat to peace and to the international order. It is essential to fight and weaken existing terrorist structures with determination. The whole gamut of diplomatic, intelligence, police, judicial and — as *ultima ratio* — even military measures must be applied diligently. But it is just as important to prevent people from becoming terrorists: to win the battle for their hearts and minds. We therefore need a dialogue among civilizations. We need tolerance and respect for different cultures. We need economic and social development to provide people with a decent life. Crisis prevention and conflict resolution are equally high on the agenda if we want to fight terrorism successfully.

In that context, I would like to highlight the recent publication of the road map to peace in the Middle East. That initiative for a comprehensive peace — which is sponsored by the United Nations, the United States, Russia and the European Union — opens up new prospects for overcoming a conflict that has long been a breeding ground for terrorism. We hope that that road to peace will be travelled with perseverance and dedication. We will give our full support to the successful implementation of the road map.

Secondly, international terrorism requires international cooperation to defeat it. The impressive international coalition against terrorism that was forged after 11 September 2001 must be preserved and stabilized. Cooperation must be further deepened, and assistance to requesting States must be increased. It is the United Nations and its Counter-Terrorism Committee (CTC) that provide us with an appropriate global framework for that.

Thirdly, our fight must always be legitimized under international law. It must respect national and international law, human rights and the United Nations Charter. Human rights in particular should not be suspended on the pretext of combating terrorism. After all, this fight is not only about defending our security, but also about our fundamental values: freedom, democracy and human rights.

Strengthening the rule of law and efficient administrative structures worldwide is one of the main objectives of the Counter-Terrorism Committee. The CTC's chairmanship has recently passed smoothly from the able hands of Ambassador Greenstock into those of Ambassador Arias. We wish him well, and we wish him lots of success. Prime Minister Aznar's presence here underlines Spain's firm commitment to a continued strong and effective role to be played by the CTC. We assure him that the German delegation will continue to fully support the Committee's work.

Mr. Boubacar Diallo (Guinea) (*spoke in French*): I would like to thank you, Mr. President, for

convening this meeting. I would also like to take this opportunity to reiterate my delegation's congratulations to you on your country's accession to the presidency of the Council for the month of May 2003. I assure you of our full cooperation. We would also like to thank your predecessor, Mr. Adolfo Aguilar Zinser, and his entire team for the excellent job they did during Mexico's presidency of the Council. In addition, I would like to welcome His Excellency Mr. José María Aznar, Prime Minister of Spain, and to convey to him our gratitude for the valuable information he has just given us.

The Prime Minister's important statement serves to further enlighten us as to the various manifestations of terrorism and about the measures to be taken to eradicate it. The suggestions he made in that regard deserve our attention.

The new nature of this scourge, as well as the means required, have called for further measures, which have taken form through the adoption of a number of General Assembly and Security Council resolutions. The initiatives taken by other actors, including international, regional and subregional organizations and institutions, are in line with that approach.

I would like to reiterate our appreciation to the Counter-Terrorism Committee (CTC) for the very valuable results it has already achieved. We encourage it to continue in the same vein. We would also like to take this opportunity to reiterate our congratulations to Spain, which assumed the chairmanship of the Committee on 4 April, and to assure it of our full support.

My delegation continues to believe that the struggle against terrorism is a long-term endeavour whose scope and complexity require the cooperation of all members of the international community. In that connection, my delegation — which attaches particular importance to the issue of assistance — once again calls upon donors to better coordinate their efforts with the Counter-Terrorism Committee.

We are convinced that the views expressed here this afternoon will help us to further engage in collective thinking about how to fight terrorism. I would like to conclude by saying that my country, whose counter-terrorism policy has been made known on several occasions, will continue to make its modest contribution to the international community's efforts to combat and ultimately eliminate this scourge.

Mr. Lavrov (Russian Federation) (*spoke in Russian*): Like my other colleagues, I too would like to welcome Prime Minister Aznar of Spain to the Council Chamber. I also wish to thank him for his important statement. We are confident that, as chair of the Counter-Terrorism Committee (CTC), Spain and Ambassador Arias will further implement the Committee's mandate under resolution 1373 (2001) and will ensure the continuity of the work already done by building upon the traditions established by the United Kingdom during Ambassador Greenstock's chairmanship of the Committee.

Time has proven the strategic validity of building a global counter-terrorism system, specifically under the auspices of the United Nations. Global anti-terrorist solidarity is growing, and the coalition of States committed to it is expanding. The global community is employing new methods to counter the current threat of terrorism.

The Security Council has played the primary role in safeguarding international peace and security from terrorism. The Counter-Terrorism Committee (CTC) was established in the wake of the tragic events of 11 September 2001, and it remains the leading element in the global anti-terrorist architecture. The powerful policy and legal impetus provided by resolution 1373 (2001), as well as ministerial statements and Council decisions on countering terrorism, are producing tangible results. A majority of countries are actively enhancing their anti-terrorist legislation. There are more than 250 accession to the universal anti-terrorist conventions since the adoption of resolution 1373 (2001). Bilateral cooperation is growing. It is becoming increasingly difficult for terrorists to find a safe haven in which to hide from justice.

The mobilization of regional efforts is an important new element in the global anti-terrorist system. It is heartening to note not only the strengthening of existing structures at this level, but also the establishment of new ones. There was deservedly broad approval of the special CTC meeting of 6 March, in which representatives of regional and subregional organizations and of the Commonwealth of Independent States and the Shanghai Cooperation Organization took part. We welcome the idea of holding another such meeting in October this year, to be convened by the Organization of American States. Such interaction with regional organizations must become as regular and substantive as possible so that

the CTC can increasingly rely on the growing practical engagement of regional organizations in carrying out specific counter-terrorism tasks. An equally important role in countering terrorism is also to be played by a number of United Nations bodies, under the overall leadership of the Security Council.

Terrorism is a mortal danger. It can be dealt with only by finding ways to end other destructive manifestations of our time — transnational organized crime, drug trafficking, the proliferation of weapons of mass destruction and other social and economic ills. Such a holistic and systemic approach, based on the principles of universality and multilateralism, will be advanced by General Assembly resolution 57/145 — adopted as a result of a Russian initiative — on responding to global threats and challenges.

With regard to the international legal basis for countering terrorism, we must express our disappointment at the stagnation in work on the draft comprehensive convention against terrorism and the draft convention against nuclear terrorism. The lack of progress on those issues stems from political, not legal, causes, and will only play into the hands of terrorists. We call upon all States to demonstrate the will and wisdom to reach agreement on those two draft conventions as soon as possible. For its part, Russia will continue to do everything it can in order to maintain and strengthen international cooperation to counter terrorism.

Mr. Wehbe (Syrian Arab Republic) (*spoke in Arabic*): It is an honour for me to welcome His Excellency Mr. José María Aznar, Prime Minister of Spain, to the Security Council. I would like to assure him that his presence represents the bright side of Spain's commitment to the centrality of the role of the Security Council in combating the threats to peace and security that confront our world today. We express our confidence in the role that Spain will continue to play, inside and outside the Council, including in relation to the Arab-Israeli conflict.

We would like to thank you, Mr. President, for having convened this important meeting in the presence of Prime Minister Aznar. The fact that he is present is the most eloquent expression of the importance that Spain attaches to combating terrorism. Mr. Aznar spoke about his friendly country's vision of the work of the Counter-Terrorism Committee (CTC) in the coming period under the chairmanship of Spain. We stress our condemnation of terrorism in all its forms and manifestations, including State terrorism. We would like to highlight once again our support for Spain in its leadership of the CTC and our readiness to make every possible effort to guarantee Spain's success in guiding this important aspect of the work of the Security Council. We are confident that Ambassador Arias will guide the work of the Committee diligently, with great diplomacy, skill and wisdom.

We would like to take this opportunity to say that our people urgently need the support of the Council and the Counter-Terrorism Committee in putting an end to the occupation of their lands. Occupation and the practices of occupation are the most heinous manifestations of terrorism. We are fully confident that the unity of the Council in working to combat true terrorism will be a guarantee that all of us will be able to get rid of international terrorism in all its forms and evil manifestations.

For its part, Syria is ready to continue to cooperate with the leadership of Spain in combating terrorism in implementation of resolution 1373 (2001), just as we cooperated in the past with Ambassador Greenstock. Syria was among the first countries to present its report to the CTC. We truly hope that we will be able to work together, here in the Council as well as in the General Assembly, with a view to arriving at an international understanding and definition of the concept of terrorism, determining the criteria that would enable us to define terrorism, as well as understanding and discussing its root causes and the need to address them in the context of international cooperation, including an international conference on the subject. It should not be left to each of us to develop his own definition of terrorism at whim.

Mr. Aznar drew our attention to a very dangerous subject: the relationship between terrorism and weapons of mass destruction. He was right to do so. We would like to stress here that Syria shares the concern of the Prime Minister of Spain. That is why we submitted a draft resolution to the Security Council with the intention of declaring the Middle East region a zone free from weapons of mass destruction. It included a special paragraph noting the need to prevent any terrorist organization from gaining access to weapons of mass destruction. We had hoped that all members would support that draft resolution.

We would like to thank the Prime Minister of Spain for recalling the need to establish peace in the Middle East region, and we would like to stress that the peace to be brought about in the region should be comprehensive and just and should be based on the Madrid terms of reference, as well as the provisions of resolutions 242 (1967) and 338 (1973) and the principle of land for peace. Those principles will constitute the basis for achieving a just and comprehensive peace if they are accompanied by the necessary political will and are considered in the context of the Arab initiative launched at Beirut in March 2002.

Mr. Tafrov (Bulgaria) (*spoke in Spanish*): I want to take this opportunity to extend my delegation's most sincere congratulations to you, Sir, and to the delegation of Pakistan on your assumption of the presidency of the Security Council for the month of May. I also thank Ambassador Adolfo Aguilar Zinser of Mexico for his dynamic presidency of the Council last month.

I listened with great interest to the statement made by His Excellency Mr. José María Aznar, President of the Government of Spain. His participation today in the work of the Council is an honour and a privilege for us. The presence of the President of the Government of Spain at our meeting here in New York is an important demonstration of Spain's leadership and its central role not only at the European level but also at the global level in the fight against terrorism.

Spain's priorities, guidelines and philosophy for countering terrorism are fully in line with Bulgaria's vision of this problem, whose seriousness can hardly be exaggerated. Bulgaria welcomes Spain's assumption of the chairmanship of the Counter-Terrorism Committee through Ambassador Inocencio Arias, a particularly experienced and talented colleague. There is no doubt that the Spanish chairmanship of the Committee will contribute to speeding up the legislative process in United Nations Member countries, creating a consistent a consistent and coherent legal framework that includes the broadest possible participation of States in the 12 United Nations anti-terrorism conventions. The Committee's cooperation with regional organizations is essential to an effective fight against terrorism. The Council's 6 March meeting with representatives of regional and subregional organizations was proof of the immense potential of those organizations.

For its part, Bulgaria's future chairmanship of the Organization for Security and Cooperation in Europe (OSCE) will give priority to the fight against terrorism in the activities of that important European organization.

In my country's opinion, preventing at all levels terrorist groups from acquiring weapons of mass destruction is an absolute priority and an immediate objective of extreme importance for the international community. In that context, the 15 May meeting of the Counter-Terrorism Committee with representatives of the International Atomic Energy Agency, Interpol and other organizations should be an opportunity for formulating means of cooperation between the Committee and those organizations.

The principal objective of terrorists is to undermine the foundations of modern civilization, whose core is without doubt international legality. In the fight against terrorism, we must respect the norms of international law. Not to do so would mean a battle won by the terrorists. We would lose not only a battle but even the war against terrorism if we allowed terrorism to attack the world's civilizations and religions. Terrorism does not belong to any civilization, religion, nationality or political or ethnic group. There is no such thing as good terrorism and bad terrorism. It is a terrible scourge that needs be combated relentlessly.

Mr. Wang Yingfan (China) (*spoke in Chinese*): We welcome the Prime Minister of Spain, His Excellency Mr. José María Aznar, to the Security Council and thank him for his insightful statement.

Terrorism is a threat to all humankind. We should combat it resolutely whenever, wherever and for whatever motive it occurs. Since its inception, the Counter-Terrorism Committee (CTC) has played an important role in assisting countries to implement resolution 1373 (2001), particularly in the areas of strengthening counter-terrorism legislation, institution-building and promoting international cooperation on counter-terrorism.

A moment ago, the Prime Minister of Spain put forward some specific proposals. We are ready to discuss those proposals. We believe that under the Spanish chairmanship, the CTC will continue to make progress in its work. The Chinese delegation will provide the CTC with active and full cooperation.

In recent years, the majority of countries have stressed these prominent issues with respect to practices for combating terrorism: strengthening international cooperation on counter-terrorism, eradicating the sources of terrorism, actively promoting solutions for regional hot spots, promoting and deepening the dialogue among civilizations and curbing the proliferation of weapons of mass destruction. Enhancing international consensus on those issues and gradually adopting effective and practical measures in that regard are the keys to further reinforcing, and making additional gains in, the international campaign against terrorism. The United Nations should meet that challenge by playing a pivotal role in the international fight against terrorism.

Mr. Belinga-Eboutou (Cameroon) (*spoke in French*): At the outset, Mr. President, I would like to thank you for taking the initiative of organizing this public meeting of the Council on counter-terrorism in the presence of the Prime Minster of Spain, His Excellency Mr. José María Aznar, whom I welcome here on behalf of the delegation of Cameroon. I would also like to thank him for the excellence of his statement, for the accuracy and depth of his comments, for the relevance of his analysis and for his proposals.

The presence at this meeting of the Prime Minister of Spain testifies beyond doubt to his refusal to capitulate to terrorism, the evil of this century. His presence here also strengthens the political impetus that our Ministers for Foreign Affairs gave on 20 January to the structures of the global coalition to combat terrorism. His presence reaffirms the central and important role that the United Nations must play in our common fight against terrorism. As well, his presence helps consolidate the efforts of the Committee established pursuant to resolution 1373 (2001), which the Permanent Representative of Spain, my colleague Ambassador Inocencio Arias, has chaired so effectively since April.

Spain, which for a number of years has been subject to waves of terrorist attacks, has considerable experience in combating terrorism.

The Prime Minister's Government has not yielded to terrorism, which he has qualified as a "brutal, terrible and bestial campaign". He has adopted a firm stance and has taken the necessary measures. His tenacity has won him admiration and serves as an example.

The scourge of terrorism, this pernicious evil — as he said so eloquently a few moments ago — spare no civilization and no country, because it attacks society indiscriminately, as a whole. The morning after the events of 11 September 2001, on the occasion of the ceremonial opening of the judicial session, His Majesty King Juan Carlos I called for

> "concerted action on the part of all countries to combat terrorism and to find new forms of legal cooperation among democratic nations".

This stems from Spain's heightened awareness of the seriousness of the threat posed by terrorism and of the scope of the destruction it causes.

Our common security can be ensured only if we all are committed to a tireless and relentless struggle to find the perpetrators of terrorist acts and their accomplices. The links that have been established with transnational crime call for vigilance and for a global response.

We have always said that combating terrorism must involve a multi-pronged approach. It is in this perspective that, a few months ago, addressing diplomats posted in Yaoundé, Paul Biya, President of Cameroon, suggested the following three prongs of attack: a national strategy to combat terrorism within each country; increased international cooperation through exchanges of information, experience and joint action; and the uprooting of evil. Indeed, it is evident that only suppression can work against fanatics who know no logic and no morality. We must not forget that poverty, injustice and conflicts are often fertile soil for the seeds of terrorism. We are pleased to see that that same concern is shared by the Prime Minister of Spain.

On the legal front, robust international laws are necessary to combat this scourge, which is an affront to human rights and to the norms of humanitarian law. We must complement existing norms by adopting the comprehensive convention on terrorism as soon as possible, as well as the convention on the suppression of acts of nuclear terrorism.

With respect to strengthening national capacities, technological disparities among States provide loopholes that are exploited by terrorist groups for their activities. Addressing these disparities necessarily requires unfailing international solidarity, primarily through an ambitious and realistic programme of

assistance which is easily accessible for States that require that assistance.

The appeal launched on 12 September 2001 by the Prime Minister of Spain for the establishment of a single European security space to combat terrorism is part of this dynamic approach. The 1999 Algiers Convention must be complied with. In that Convention, Africa agreed to organize to prevent and to combat terrorism. The implementation of the related United Nations Plan of Action calls for multi-pronged international cooperation.

Combating terrorism must be a long-term endeavour. United and resolute, we can overcome this global scourge.

In conclusion, I wish once again to express the appreciation of my delegation to the Prime Minister of Spain for his visit and for his proposals. The CTC will certainly draw on those suggestions.

Mr. Valdés (Chile) (*spoke in Spanish*): Allow me to thank you, Mr. President, for the opportunity provided us to have here in the Council this afternoon with us the President of the Government of Spain, Mr. José María Aznar. He honours us with his presence. We welcome the very insightful proposals and suggestions that Mr. Aznar has put forward this afternoon on the nature of international terrorism and the efforts required to combat it.

Undoubtedly the painful but admirable struggle carried out by the Government and the people of Spain against terrorism within their own borders gives them the greatest legitimacy to provide us with unquestionable leadership in this sphere. Prime Minister Aznar was quite right when he asked us today to remember the deeper meaning of 11 September 2001, because we could not have seen in a more transparent or brutal fashion the global and worldwide character of this threat, which has no direct target but rather crosses though and over borders, bearing its hateful message against all civilizations and attacking the very nature of humankind.

We welcome also the fact that Prime Minister Aznar has practical suggestions for this Organization in combating terrorism. As has been said earlier today, coordinated action by the Counter-Terrorism Committee established by resolution 1373 (2001), chaired by my dear friend Ambassador Inocencio Arias, and by the Committee established by resolution 1267 (1999) represents the basis for the success of our efforts within the United Nations. While those committees have a legal nature and different competencies, they must be increasingly linked and coordinated. Over the past month we have further enhanced the level of cooperation and coordination with Ambassador Arias, avoiding duplication in the activities of those Committees, in order to ensure the consistency of their joint efforts, thus giving us the opportunity to work, on a periodic basis, to ensure the effectiveness and the potential of the United Nations and the role of the Security Council in this area.

Both Committees must involve the whole United Nations membership in efforts to block funds used to carry out or promote terrorist activities, to prevent the free passage and circulation of terrorists and of those who protect them, and to block the circulation of weapons for use by terrorists. We must congratulate make an effort to States that improve their domestic legislation by incorporating new laws based on Security Council resolutions and must provide technical cooperation to assist those that have difficulties in carrying out that effort.

The work of both Committees, the active participation in them by all Security Council members and the cooperation of all members of the international community prove the indispensable and irreplaceable role of the United Nations in the fight against terrorism. The Organization's authority, its scope, its legitimacy and, above all, the way in which it can express its Members' will to cooperate are the best guarantee of an effective fight against this blight on humanity.

We know that, in a globalized world, the fate of each of our countries is that of all peoples. Therefore, the fight against terrorism is not only a matter for Governments, but must involve our civil societies. It must be developed within a framework of legitimacy and clear respect for human rights and international law. We therefore thank Prime Minister Aznar for his presence and his statement today; They provide an opportunity to reaffirm Chile's firm resolve to contribute to the efforts of the international community in a struggle that, as he said, must be relentless.

The President: I shall now make a few remarks in my capacity as representative of Pakistan.

Pakistan joins previous speakers in welcoming His Excellency the Prime Minister of Spain to the

Security Council and in thanking him for his important address to the Council. We congratulate Spain on assuming the chairmanship of the Counter-Terrorism Committee (CTC).

For more than 20 years, Pakistan, like Spain, has been one of the principal victims of terrorism. We condemn terrorism in all its forms, including State terrorism. Since 11 September 2001, Pakistan has been at the forefront of the campaign against terrorism, and we have made many sacrifices in that struggle. We believe that the Security Council has a central role in the campaign against terrorism, and we support the strengthening of that role. We have listened to the Prime Minister's recommendations, which all deserve careful consideration. We believe, nevertheless, that the principal role of the CTC is to assist States to effectively counter terrorism.

We believe that there are four other considerations that need to be taken into account in the campaign against terrorism. First, we need to address the underlying causes of terrorism in order to prevent the emergence of terrorists. We believe that political and economic justice is essential for that. Secondly, as Secretary-General Kofi Annan has said, we must ensure that counter-terrorism measures do not mutate into measures used to cloak or justify violations of human rights. Thirdly, the right to self-determination, where recognized by the international community, cannot be delegitimized through association with terrorism. To do so would be to sanction the strangulation of the very freedoms that we seek to defend against terrorism. Fourthly, tolerance and mutual understanding are essential to defeat the hate and anger on which terrorism thrives. Pakistan has proposed the adoption of a declaration on mutual tolerance and understanding among religions and civilizations, which we hope the General Assembly will soon adopt.

In September 2001, Secretary-General Kofi Annan stated:

> "[If] the world can show that it will carry on, that it will persevere in creating a stronger, more just, more benevolent and more genuine international community across all lines of religion and race, then terrorism will have failed." (*The New York Times, 21 September 2001, p. A-35*)

Spain is well qualified to guide such an effort. It was, after all, in the land of Spain where three great religions — Christianity, Islam and Judaism — came together to create the flowering of freedom and tolerance in a great civilization to which we must continue to aspire even today.

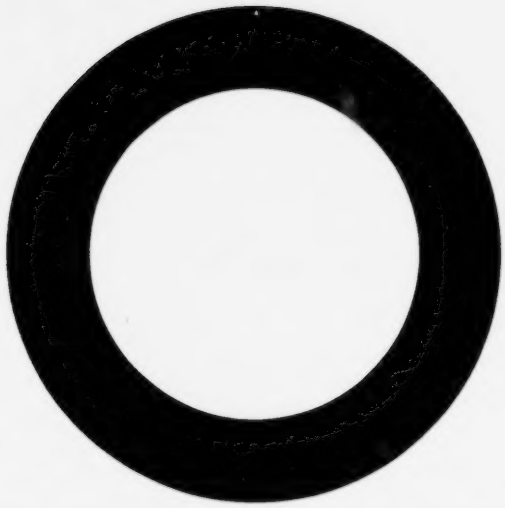
I now resume my functions as President of the Security Council.

I shall suspend the meeting for five minutes to escort the Prime Minister of Spain from the Council Chamber. On behalf of the Council, I thank him for being with us this afternoon.

The meeting was suspended at 6.10 p.m. and resumed at 6.15 p.m.

The President: There are no further speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 6.15 p.m.



United Nations S/PV.4753

Security Council

Fifty-eighth year

Provisional

4753rd meeting

Tuesday, 13 May 2003, 10 a.m.

New York

President:	Mr. Kasuri	(Pakistan)
Members:	Angola	Mr. Gaspar Martins
	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Belinga-Eboutou
	Chile	Mr. Valdés
	China	Mr. Wang Yingfan
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Guinea	Mr. Traoré
	Mexico	Mr. Aguilar Zinser
	Russian Federation	Mr. Lavrov
	Spain	Mr. Arias
	Syrian Arab Republic	Mr. Wehbe
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Negroponte

Agenda

The role of the Security Council in the pacific settlement of disputes.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

03-35632 (E)

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

The role of the Security Council in the pacific settlement of disputes

The President: I would like to inform the Council that I have received letters from the representatives of Azerbaijan, Colombia, Ethiopia, Greece, Honduras, India and Indonesia, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Aliyev (Azerbaijan), Mr. Giraldo (Colombia), Mr. Hussein (Ethiopia), Mr. Vassilakis (Greece), Mr. Acosta Bonilla (Honduras), Mr. Nambiar (India) and Mr. Wardono (Indonesia) took the seats reserved for them at the side of the Council Chamber.

The President: In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Sir Brian Urquhart, former Under-Secretary-General for Political Affairs.

There being no objection, it is so decided.

I invite Sir Brian Urquhart to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Ambassador Jamsheed Marker, former Personal Representative of the Secretary-General for East Timor.

There being no objection, it is so decided.

I invite Ambassador Jamsheed Marker to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Mr. Nabil Elaraby, judge of the International Court of Justice.

There being no objection, it is so decided.

I invite Mr. Nabil Elaraby to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

I welcome the presence of the Secretary-General, Mr. Kofi Annan, and I invite him to take the floor.

The Secretary-General: It is good to see you again in New York, Mr. President.

Chapter VI of the United Nations Charter, on the pacific settlement of disputes, stands at the heart of the Organization's system of collective security. Over the past 10 years, resolutions adopted under Chapter VII have been the better known, but the majority of the Council's work continues to be carried out under Chapter VI. While the framers of the Charter understood clearly the need for an enforcement mechanism and provided for the use of force against threats to international peace and security, their hopes for a better world lay in the peaceful resolution of armed conflicts.

In recent years, the Council has used Chapter VI in various ways. It has entered into direct dialogue with the parties to conflict — for example, through its discussions with the Political Committee of the Lusaka Agreement. It has tried to work more closely with the Economic and Social Council and with regional and subregional organizations to prevent and resolve conflicts in Africa.

The Council frequently calls on me to use my good offices as Secretary-General and has encouraged me to appoint a growing number of special representatives and envoys. And increasingly, Council

members are venturing into the field — as they will later this week in West Africa — for a fact-finding mission, to review implementation of a peace agreement, to deliver messages or even to conduct negotiations.

I think we would all agree that these efforts have achieved mixed results. We have seen both innovation and inertia. We have seen genuine displays of political will and instances where the Council has failed to dissuade the parties to a conflict from using force.

The questions today are: what have we learned from these experiences, and how can we do better?

My report on the prevention of armed conflict (S/2001/574) made a number of recommendations, including the use of regional prevention mechanisms, more frequent resort to the International Court of Justice and increased reporting by the United Nations system to the Security Council about serious violations of international law or of human rights, and about potential conflicts arising from ethnic, religious or territorial disputes, or from poverty or other factors.

While the primary responsibility for the pacific settlement of disputes rests with Governments and the parties to a dispute, the Council has many tools at its disposal and can play a key role, while pressing those directly involved to make peace, as the Council itself recognized in resolution 1366 (2001), on conflict prevention.

The Council can help identify and address root causes early, when opportunities for constructive dialogue and other peaceful means are greatest. It can ensure an integrated approach that brings together all factors and all actors, including civil society. And it can support the other United Nations organs in their efforts to resolve disputes or to address volatile situations before they erupt into full-fledged threats to international peace and security.

Let us be imaginative. Let us use what influence we have. And let us focus on implementation and action.

I would like to thank you, Mr. President, for your initiative in putting this subject on the agenda of the Council during Pakistan's presidency. Recourse to Chapter VII may have increased in the past decade, but that does not lessen the importance of Chapter VI. The processes it sets out for the peaceful settlement of disputes and situations affecting international peace and security remain as relevant today as they have ever been.

The President: I thank the Secretary-General for his statement and for the kind words he addressed to me.

I shall now give the floor to His Excellency Sir Brian Urquhart, former Under-Secretary-General for Political Affairs.

Sir Brian Urquhart: Mr. President, I am greatly honoured — and somewhat unnerved, I must say — by your invitation to speak today in the Security Council. I attended the first meeting of the Council, in London in January 1946, and in the succeeding years I spent hundreds of hours in this Chamber sitting behind successive Secretaries-General, writing reports and sometimes trying to implement the Council's decisions in the field. I still believe that, for all the ups and downs of its first 57 years, the primary responsibility of the Security Council for international peace and security is as essential a concept as it was in 1946. As I left the Secretariat 18 years ago, my remarks will inevitably be of a rather general nature, which is probably just as well.

During the cold war period, Chapter VI, "Pacific settlement of disputes", was the preferred chapter of the Charter, and Chapter VII — with one or two exceptions — was largely in abeyance. Chapter VI was the basis for most of the important activities of the Council and for all sorts of experiments and improvisations. The list of techniques in Chapter VI — negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies — has been progressively built on and extended. Among such extensions are peacekeeping — sometimes rather glibly referred to as being under "Chapter VI and a half" — a very large expansion of the role of the Secretary-General, United Nations presences, special representatives of the Secretary-General, Security Council commissions, friends of the Secretary-General, and so on. At present, there are, I believe, some 33 special representatives of the Secretary-General engaged in pacific settlement missions in different parts of the world.

As members of the Security Council know better than I do, there are many obstacles to useful international action and the Council has always suffered from the dichotomy between the noble responsibilities imposed on it in the Charter and the

conflict of the national policies of its members and the reservations of national sovereignty. Given these limitations, I think that the record of the Council — indeed, of the United Nations in general — in pacific settlement is a good deal more impressive than is generally admitted. The very existence of the Council and the continuous diplomatic and other exchanges that go on in and around it, combined with the ceaseless peace-seeking activities of the Secretary-General, constitute an essential, ongoing worldwide peace process that is hard to evaluate or to quantify, but is nonetheless extremely important. Without it, I believe that the world would be a much more dangerous and unpredictable place. The Council's role as a last resort — a place where restraint, concession and compromise are a virtue rather than a sign of weakness or a loss of face — has always been a major resource for peace.

Pacific settlement can be a long and untidy process. It is seldom newsworthy, especially when it is successful. A war prevented is not usually news. As Secretary-General U Thant said of the successful good offices mission over the contested future of Bahrain, the best of such missions

> "is one which is not heard of until it is successfully concluded or even never heard of at all."

Much of the Council's and the Secretary-General's work in pacific settlement remains unpublicized. It is no less important for that.

Situations that defy settlement have sometimes been contained by peacekeeping missions or other United Nations instruments, so that violence and the threat to the wider peace are reduced. Some of these missions go back many, many years. This is another activity that attracts little attention unless, of course, the containment mechanism fails and conflict results. In the cold war period, the universal fear of a nuclear confrontation between East and West lent urgency and support to the Council's efforts to contain regional conflicts and to keep them out of the cold war orbit. The cold war political situation also demanded that instruments such as peacekeeping be strictly under the auspices of the United Nations. That incentive and that constraint no longer exist and the instruments of pacific settlement have correspondingly diversified. Sometimes now they are outside the United Nations framework altogether.

Pacific settlement is not an exact science and different problems call for different approaches. The active element and the method will vary according to each situation. In 1949, for example, the Security Council-appointed mediator in Palestine, Ralph Bunche, was able to negotiate the armistice agreements between Israel and its four Arab neighbours in almost complete independence and secrecy, although the authority of the Council was at all times the basis of his mission. In 1955, on the other hand, when Dag Hammarskjöld negotiated the release of 17 American airmen in China — a situation that had become a serious threat to world peace at that time — he was accepted in Beijing solely in his capacity as Secretary-General. Over the years, the Council has shown great flexibility and imagination in devising for each pacific settlement mission the instrument best suited to the particular demands of the problem.

In the last 15 years, the Council has often been called on to deal with problems within the borders of a single State, and it seems likely that this will continue to be one of its main challenges. This is not what the technique of peacekeeping was originally designed for and it is not surprising that many difficulties have arisen. When dealing only with conflicting Governments, the authority of the Council and the support of its members usually give remarkable strength to relatively small and lightly-armed peacekeeping forces. Dealing with non-governmental groups and factions, violent in their very nature and which have little knowledge of — or, indeed, respect for — the Security Council, is a very different matter. We have seen this problem in a number of cases, especially since 1990. It has always seemed to me that in such situations it is essential for the Council to have some reliable and highly-trained capacity for rapid reaction and deployment — the capacity to quell mere brush-fire violence before it develops into conflict or genocide. I know this is an extremely controversial issue, but I have to say — and I have noticed this more since I left the United Nations — that impressive-sounding decisions followed by sluggish or ineffective action both make bad situations worse and also undermine the reputation of and public confidence in the United Nations itself.

There are thousands of studies on the techniques of pacific settlement, but the key elements for success are and have always been the authority and standing of the Security Council, its ability and willingness to take

prompt action, and the skill, ingenuity and determination of those who implement its decisions in the field.

At the beginning, the Council, buoyed by the expectations and the longing for peace of a war-torn world, occupied an almost Olympian position in world politics. Maybe that original optimism and enthusiasm were unrealistic, but in those haunted days the effort to establish an international system that would be an alternative to the arms races, the military alliances, the threats and the aggressions that had always led to war in the past seemed like a blessed, if belated, piece of common sense. That original experiment, pushed aside, diluted and outmoded by revolutionary changes in politics and technology, is still, in the long run, an important concept and pacific settlement under the authority of the Security Council is at the heart of it. The other essential elements of that original vision — disarmament, for instance — have so far fared far less well.

Everyone knows that in its present form the Security Council is the product of another, very different historical period. So far, substantial reform has proved impossible, but that does not detract from the importance of the Council's position and authority and it is extremely important to maintain it. Dag Hammarskjöld once referred to

> "those who seem to take special delight in blaming the storms on the ship instead of the weather."

When, as happened recently, the disagreements of its members — which are, after all, nothing new — are blamed on the institution of the Council itself, the Council's standing in pacific settlement and in other matters is inevitably diminished.

Even in the pristine enthusiasm of 1946, only very few dedicated acolytes believed that the Security Council would immediately work exactly as the Charter prescribed. Most of us saw it as a blueprint for achieving peace in the world that would take generations of trial and error before it became a solid reality. The world was a dangerous, suffering and disorderly place in 1946 and, in a different way, it still is. The United Nations — and I make no apology for quoting Hammarskjöld again — is, in his words,

> "a venture in progress towards an international community living in peace under the laws of justice." (*A/PV.690, para. 68*)

That is still a very distant objective, but a worthy one. An essential prerequisite for moving forward in this infinitely complex venture is the growing effectiveness of the pacific settlement of disputes. Few activities are more important for the future.

The President: I thank the former Under-Secretary-General for Special Political Affairs for his statement.

I now give the floor to His Excellency Jamsheed Marker, former Personal Representative of the Secretary-General for East Timor.

Mr. Marker: Please accept my congratulations, Sir, on your assumption of the presidency of the Security Council for this very important meeting. I am sure that under your able guidance, the outcome of our deliberations will be both productive and significant. Permit me also to commend the Permanent Representative of Pakistan and his colleagues for the initiative that has brought us together here to debate and discuss an issue that is as important as it is timely.

At the outset I wish to state that the views expressed by me during these proceedings are personal and entirely my own. The fact that I have the honour to be a Special Adviser to the Secretary-General makes this a necessary caveat.

In recent years, especially following the end of cold war, there has been an increasing tendency to resort to enforcement measures under Chapter VII of the Charter of the United Nations. This has, on the one hand, led to criticism of the Security Council and, on the other, raised concerns about the utility of methods regarding the pacific settlement of disputes. The complementarity of Chapters VI and VII is unfortunately often obscured in this process.

The Charter emphasizes the pacific settlement of disputes. The concept is rooted in the avoidance of the use of force and the settling of disputes among States without causing excessive disruption. The underlying principle is to foster cooperation and understanding among States.

It is axiomatic that pacific settlement affords better opportunities for the resolution of disputes in a manner which is harmonious and less costly in all

aspects, builds confidence, allows greater respect for the sovereignty of Member States and strengthens the position of weaker nations. The solutions thus achieved are also long term and durable. Enforcement measures, on the other hand, often involve heavy costs in economic, social and political terms, and above all in respect of human life and welfare.

Chapter VII is, of course, the ultimate instrument for the implementation of United Nations resolutions and constitutes in a sense the Organization's iron fist. But its latent efficacy can be considerably enhanced through a timely and judicious application of the velvet glove of Chapter VI. One of our tasks should be to ascertain the best and smoothest method for the glove to fit over the fist. In a lecture to the students of the United States National War College in 1946, the legendary Ambassador George Kennan said, "You have no idea how much it contributes to the general politeness and pleasantness of diplomacy when you have a quiet little armed force in the background."

In my view, the most important working document that we have before us is the Secretary-General's report entitled "An Agenda for Peace". It states that "Between the tasks of seeking to prevent conflict and keeping the peace lies the responsibility to try to bring hostile parties to agreement by peaceful means." (*S/24111, para. 34*)

Chapter VI, Article 33 of the Charter sets forth a comprehensive list of such means for the pacific settlement of disputes: "negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice." Article 33 adds that "The Security Council shall, when it deems necessary, call upon parties to settle their dispute by such means."

Chapter VI also enables the Security Council to, in Article 34, "investigate any dispute"; in Article 36, "recommend appropriate procedures or methods of adjustment" and refer a dispute to the International Court of Justice; in Article 37, "recommend ... terms of settlement"; and, in Article 38, "make recommendations to the parties with a view to a pacific settlement of the dispute".

The Chapter VI provisions have since been amplified in a series of declarations and resolutions adopted by the General Assembly, namely, the 1982 Manila Declaration on the Peaceful Settlement of International Disputes (resolution 37/10); the 1988 Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field (resolution 43/51); and the 1989 resolution on enhancing international peace, security and international cooperation in all its aspects in accordance with the Charter of the United Nations (resolution 44/21).

A review of the history of the Security Council reveals both successes and failures in the peaceful settlement of disputes. East Timor is a recent success story. But there are other cases where success has not yet been achieved, such as the Middle East, Jammu and Kashmir, and Western Sahara. In the first two, however, there is reason for some cautious optimism as a result of the recent signals emanating from those troubled regions, and we commend the statesmanship of all concerned. This includes the contribution of your personal efforts, Mr. President, in the directions taken so far, and our hopes that they continue. Perhaps at the appropriate time a way can be found to further this process through the application of the provisions of Chapter VI.

The Security Council, which has the primary responsibility for the maintenance of international peace and security, could do much to promote the pacific settlement of disputes. First, it could ask the parties concerned to negotiate and report agreements for dispute settlement. Secondly, it could authorize the Secretary-General to use his good offices and other possibilities for mediation and conciliation to resolve disputes, directly or through a special representative, and report to the Council. Needless to say, the manifest diplomatic capability of Secretary-General Kofi Annan constitutes a formidable asset in this respect. Thirdly, it could appoint a commission of inquiry, conciliation or determination, which could, after consultations and negotiations with the parties, submit its recommendations. Fourthly, it could refer a dispute to the International Court of Justice for an advisory opinion, if not a legal decision or adjudication.

The Security Council could also utilize its mandatory enforcement authority under Chapter VII of the Charter to persuade parties to disputes to engage in the processes for the peaceful settlement of disputes envisaged under Chapter VI. Moreover, through a decision adopted under Chapter VII, the Council could refer a dispute to the International Court of Justice,

whose determination would thereafter be binding on the parties, irrespective of whether or not they had accepted the jurisdiction of the International Court of Justice.

It is essential that the international community give consideration to the option of a more frequent use of the devices for peaceful settlement of disputes. This would require not only that these methods be strengthened, but also a greater commitment on the part of the international community, as well as the political will to do so.

The challenge is to reinvigorate the role of the United Nations, especially of the Secretary-General and his good offices and of the Security Council, in strengthening the mechanisms for the pacific settlement of disputes. It is a challenge which assumes added significance in the current international milieu, with the discordant voices of the sceptics on the rise. But I remain firmly convinced that, notwithstanding an uncomfortable increase in the climate of unilateralism in international affairs, the Security Council, together with the Secretary-General, can play a crucial role in the peaceful settlement of disputes. Our deliberations today will, I am sure, take us a long way in this important process.

The President: I thank the former Personal Representative of the Secretary-General for East Timor for his statement and for his kind words addressed to me.

I now give the floor to Mr. Nabil Elaraby, judge of the International Court of Justice.

Mr. Elaraby: It is indeed a privilege and a great honour to be invited, under rule 39, to participate in this special event. I would like to thank you, Mr. President, and the Mission of Pakistan for taking the important and timely initiative of convening this meeting.

Due to the constraints of time, I am obliged to limit my modest contribution to some reflections on the Charter design with regard to the pacific settlement of disputes, with special emphasis on the legal dimension. But I would like, at the outset, to make it clear that I am participating in this special event in my own personal capacity and not as a judge of the International Court of Justice. The views I express do not therefore necessarily reflect the position of the Court.

As a point of departure, it may be appropriate to recall that the international community is living through an era of momentous change and is undergoing profound and drastic transformations and modifications. Human values and priorities are constantly evolving. The new realities that at present characterize our contemporary international system are bound to affect the United Nations.

The need to adapt has been considered since the 1950s. As far back as 1959, the late Secretary-General, Dag Hammarskjöld, recognized the need to cope with the dilemma confronting the United Nations. I have a quotation — which I am not going to read — just to underline that he recognized that it is not necessary to regard the working methods indicated in the Charter as limitative in purpose: they may be supplemented by others under the pressure of circumstances. The working methods set out in the Charter have taken many turns. I will touch upon some of them.

I now turn to the Security Council and its role. The Charter assigned the awesome responsibility of resolving disputes to three principal organs — the General Assembly, the Security Council and the International Court of Justice — and it had a role for the Secretary-General. Each organ had its responsibilities clarified in the Charter. The Security Council, as the organ vested with the primary responsibility for the maintenance of international peace and security, enjoys a central position. It has, under Chapter VII, unparalleled power.

Experience, however, has shown that the highly advertised Chapter VII measures do not constitute a panacea for all situations all the time. As Secretary-General U Thant pertinently remarked in 1969,

> "The Chapter VII arrangements had been designed ... for situations where aggressors could be easily identified and where the 'good guys' of the international world would have no moral doubts about collectively fighting the 'bad guys'. But the situation that has prevailed since the Second World War defied such simplifications."

That was written some 35 years ago. It is perhaps more valid today.

The Security Council's responsibilities extend to all walks of life in our contemporary world. The Council holds the mantle of legitimacy for common efforts to ensure peace and security. It is the

enforcement agency for the international community. The Council is vested with the power to adopt binding decisions. The latter responsibility is exercised through enforcing the judgements of the International Court of Justice and ensuring compliance with various multilateral treaties, whether in the disarmament or human rights fields.

However, the Security Council's decisions are reached on the basis of power politics and accommodation, and not necessarily through the strict application of legal norms. It is therefore of primordial importance that the Security Council and the International Court of Justice, the two principal organs vested with the power to adopt binding decisions, act in tandem. The clarification of legal issues will always be conducive to resolving disputes.

The equation devised by the Charter to ensure the pacific settlement of disputes, in the final analysis, hinges on the ability and willingness of every organ to perform its responsibilities in conformity with the purposes and principles of the Charter and the principles of justice and international law.

To encourage States to submit disputes to the Council, the Council's expected reactions have to be credible, predictable and reliable. The Council's shortcomings in those areas are a matter of record. Criticism, rightly or wrongly, has been levelled against the Council. An analysis of this criticism would reveal that, first, on the conceptual level, the Council does not act in a consistent manner as a norm-setting organ on the basis of a unified — albeit by necessity flexible — yardstick. This explains the many accusations of double standards, even in identical situations, which tend to tarnish the image and prestige of the Council and erode the essence of its authority.

Secondly, on the institutional level, the Council sometimes acts as if it enjoys absolute and unchallengeable power to interpret the rule of law and the rights and obligations of States and resists accountability to any other political or judicial organ.

Thirdly, on the operational level, the Council has been carrying out its responsibilities without the benefit of clearly defined rules. The scope of the veto has never been defined. Parties to a dispute are not enjoined to abstain from participating in decision-making. Rules of procedure are still, after all these years, provisional, never having been finalized. And the practices of the informal consultations have never been, as far as I know, institutionalized.

In that context, and basing myself on my modest experience in the Council itself and in several United Nations committees dealing with this same subject, I would like to offer the following proposals regarding the work of the Security Council.

The first step is to provide the Council with impartial and accurate up-to-date information. That requires strengthening the early warning information-gathering capabilities of the Secretariat and its fact-finding mechanisms in order to engage more actively in preventive diplomacy. To be effective in this area, the Council's resolutions have to be credible and sustainable. Hence, consideration has to be devoted to ensuring that resolutions authorizing the verification of facts be beyond the scope of the veto.

The Council should consider the strict and faithful application of Article 27, paragraph 3, which provides that "in decisions under Chapter VI ... a party to a dispute shall abstain from voting". A State should not be allowed to be party, judge and jury at the same time.

The Security Council could also consider strict application of the provision of Article 36, paragraph 3: "that legal disputes should, as a general rule, be referred ... to the International Court of Justice". That provision has been used only once, in 1947, in the Corfu Channel case — one resolution out of almost 1,500 resolutions adopted by the Council since its inception.

The Council could also consider, whenever necessary, requesting an advisory opinion from the International Court of Justice to clarify legal questions. This has occurred only once, in 1970, with respect to Namibia.

It is high time for the Council to initiate a process such as the one it is considering right now, which is similar to the proposal that appeared in a letter dated 22 December 1997 (A/53/47), which was submitted by 10 non-permanent members of the Security Council. Due to time constraints, I will not read it.

It is important to point out that the Council is not a free agent acting according to a private agenda outside the scope of international law. It is true that the question of judicial review or accountability of the Council is sensitive and controversial. The Charter

does not contain a direct reference to be used for guidance. Yet, in the light of the gravity of the consequences of some decisions, the matter should be addressed. As Columbia University Professor Oliver Lissitzyn said some time ago,

> "The long-range purposes and policies laid down in the Charter must be given some protection against the possible short-range aberrations of the political organs. Power without law is despotism."

At this juncture, before concluding my comments on the Charter, I would like to say a word about Security Council enlargement. The matter has been under consideration throughout the last decade. It has various aspects; I will refer to only two.

Mathematically, an increase of the non-permanent category is long overdue. It must be considered. However, politically, the topic of permanent membership is fraught with unforeseen consequences and unanswered questions. Let me touch on two of these.

First, which criteria should be followed in selecting permanent members? Size, population, military might, nuclear capabilities, or wealth? Secondly, how can the United Nations membership be required to sign off on a plan to increase the number of permanent members while the rights and obligations of the existing five are not defined and clarified?

The matter must be addressed. Any enlargement of the permanent category is, in fact, a restructuring of the fabric and nature of international relations as a whole.

I will now turn briefly to the International Court of Justice. As the principal judicial organ of the United Nations, it bears a heavy responsibility for legality in the whole world. It is considered the guardian of legality. The first point to be made is that, at the present stage of the evolution of the contemporary international legal system, the role of international tribunals in general, and notably that of the Court, is dependent on the consent of States. The jurisdiction of the Court is anchored in the acceptance of States.

The consensual nature of jurisdiction no doubt is completely different in nature and scope than the role of courts of law in municipal systems, in which an individual can take another to court without the consent of the other party. Under the international system, a State must accept the jurisdiction of the Court. The Court has been handling many cases, but its jurisdiction is, unfortunately, accepted by only 63 States. Many other States, however, have entered into compromissory clauses in multilateral treaties, which allow a State to refer a dispute to the Court on the basis of the prior acceptance of its jurisdiction. To date the court has delivered 76 judgements and rendered 24 Advisory Opinions. Only in a handful of cases were there any problems, and they were resolved at the end.

It would therefore indeed be desirable to increase the acceptance by States of the compulsory jurisdiction of the Court.

The Agenda for Peace contained three important proposals aimed at enhancing the role of the International. Court: first, that all States should accept the compulsory jurisdiction of the Court; secondly, that, when submission of a dispute to the full Court is not practical, the Chambers could be used; and thirdly, that authority should be conferred on the Secretary-General to request Advisory Opinions from the International Court of Justice.

The Assembly established a Working Group of the whole to work towards their implementation; I presided over for that exercise for four years. Regrettably, in the end, all that could be agreed upon, in resolution 47/120 B, was to keep under examination all the recommendations of the Secretary-General concerning the International Court of Justice.

I have some comments on the Office of the Secretary-General that are extremely important, but I will conclude, due to time constraints, by saying that the real challenge which the Council has to meet is how to adapt a 1945 design to the realities of the twenty-first century. The world faces a long road ahead, with many challenges which necessitate constant review and modification of practices and priorities, as well as flexible and innovative responses to new situations. Regrettably, our contemporary world is a far cry from being relaxed or balanced. States, therefore, have to be satisfied with a slow process of evolution, and not revolution.

The purpose of this special event is to enhance the role of the Security Council in the pacific settlement of disputes. This is a tall order. It is to be hoped that the outcome will trigger a genuine process of evolution worthy of the magnitude of the challenges facing the international community.

Mr. Aguilar Zinser (Mexico) (*spoke in Spanish*): Allow me at the outset, Mr. President, to congratulate you and your delegation for having taken the initiative of holding this meeting on the peaceful settlement of disputes. Allow me also to tell you how gratified my delegation is to see you, in your capacity as Foreign Minister of Pakistan, presiding over our debate this morning.

I should like to start by saying that the principle of the peaceful settlement of disputes is enshrined in Mexico's Constitution, and that it is one of the focal points guiding our foreign policy.

The peaceful settlement of disputes is, indeed, the main principle on which the United Nations is built. Article 2, paragraph 3, of the Charter of the United Nations establishes that the Members of the Organization shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

This is not only an obligation enshrined in the Charter, but also a general obligation that arises from customary international law. Additionally, Article 2, paragraph 4, of the Charter asks the Members to refrain in their international relations from the threat or use of force. This is a binding standard in international law. It states also that the use of force is restricted to the situations described in Chapter VII.

The International Court of Justice is an instrument on which the parties must rely when a dispute has a legal dimension or context. The obligation to rely on the peaceful settlement of disputes is an essential prerequisite to coexistence, friendship and cooperation among nations. The basis of this obligation is, quite simply, the observance of and respect for international law.

In this context, Mexico has always preferred to exhaust all possible means of avoiding the use of force. Exhausting all possible peaceful solutions is, from our perspective, not only a legal obligation but also a moral one as regards international relations.

It is also incumbent upon the General Assembly to act, as it has, through declarations and resolutions that contribute to reaffirming the fundamental nature of the general obligation of all States to settle their disputes in a peaceful way. In that regard, we would like to recall the importance and applicability of the Manila Declaration on the Pacific Settlement of International Disputes, as well as of other declarations adopted by the Assembly. It should also be pointed out that the General Assembly recently adopted its resolution 57/26, concerning the prevention and peaceful settlement of disputes.

Nevertheless, there is no doubt that Chapter VI is the fundamental instrument provided by the Charter of the United Nations for the pacific settlement of disputes. Fundamentally, the responsibility to resolve conflicts and disputes rests, first and foremost, with the parties. As provided for in Chapter VI of the Charter, the responsibilities of the General Assembly and the Security Council in that regard are subsidiary in nature. The will of the parties to come forward to engage in negotiations to find a pacific solution to a conflict is paramount. We nevertheless believe that both the General Assembly and the Security Council could play a far more active role in peacefully preventing and resolving conflicts. Chapter VI provides a legal framework within which the Security Council could play a much more active part. Although the Council has leeway with regard to exercising its functions, the maintenance of international peace and security would undoubtedly be strengthened if the Council and its members were to resort more often to Chapter VI of the Charter when promoting peace negotiations.

Beyond the procedures and means set out in Chapter VI, the pacific settlement of disputes and the prevention of conflict are today consistent with the capacity of the Organization and of the international community as a whole to specifically address conflict situations, to go to the aid of populations affected by conflict and to contain the effects of violence. In that regard, peacekeeping operations have proven to be very useful in preventing future conflicts, addressing underlying causes, creating confidence-building mechanisms and bringing parties to the negotiating table. Even when a conflict has already broken out, the United Nations can make a significant contribution to preventing a conflict from becoming protracted. The United Nations Development Programme, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the Office of the United Nations High Commissioner for Human Rights and the World Food Programme — in a word, the tools available to the Organization and the operational mechanisms employed in specific situations of violence and conflict — should be the best methods, tools and recourse to peacefully resolve

disputes and to prevent future conflicts. The post of Representative of the Secretary-General has also become an effective and very powerful tool in promoting the pacific settlement of disputes.

In that light, my delegation would like to underscore a valuable lesson learned from the United Nations. The involvement of women has proven to be particularly useful and effective in peacekeeping operations and in promoting the pacific settlement of disputes. Women make a difference in finding and consolidating peace. My country therefore urges the Secretariat once again to achieve its gender policy goals and commitments by involving many more women in the Organization's most important tasks.

The Security Council continues to focus almost exclusively on crises and emergencies after they have broken out. In order to prevent conflict, the Security Council could establish a series of practical measures, such as calling on the Secretariat to produce periodic regional or subregional reports on threats to international peace and security. It could also study the possibility of implementing the proposals made by the Secretary-General in his millennium report (A/54/2000) and establishing an informal ad hoc working group, a subsidiary body or an informal technical arrangement to discuss measures for the pacific settlement of disputes that could be implemented for conflicts that are already on the Council's agenda or that will soon to be added to it. It could also look into the possibility of using the Arria formula or another similar arrangement to hold informal debates outside the Council Chamber in order to exchange views on possible means to settle a dispute with those most closely involved. In that regard, my delegation welcomes today's meeting as a particularly useful exercise.

We believe that the Security Council should also turn more often to the provisions of paragraph 3 of Article 36 of the Charter, which states that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court. To that end, it is essential that States that have not yet done so make a declaration in accordance with paragraph 2 of Article 36 of the Statute of the International Court of Justice in which they recognize as compulsory the jurisdiction of the Court with respect to any other State accepting the same obligation. That invitation applies also to States that have withdrawn their declarations.

My delegation is pleased with the role played by the International Tribunal for the Law of the Sea, which we believe will be increasingly important in the pacific settlement of conflicts pertaining to the Convention on the Law of the Sea, and generally as regards ocean affairs.

We would also like to highlight the growing possibilities that exist for the pacific settlement of disputes as a result of the proliferation of international courts and tribunals. This illustrates the international community's desire to have various alternative means at hand to resolve its differences in the spirit of Chapter VI of the Charter.

Before I conclude my statement, my delegation would like to underscore the fact that, as regards reforming the Organization, we must carefully examine and critically review the legal instruments available to us in order to adapt them and bring them into line with current circumstances. We must work ambitiously and creatively. We must commit the highest political levels of the Governments represented at the United Nations to carrying out a thorough review of the mechanisms at the disposal of the Organization — as well as those that it will have to build and the institutional arrangements it will have to establish — so that we may be more effective at preventing conflict and finding pacific settlements to disputes; so that States will more unequivocally commit themselves to complying with the decisions of the Security Council and to respecting the norms of international law; and so that we may realize the dream of the Organization, namely, to eliminate the use of force.

The President: I thank the representative of Mexico for the kind words he addressed to me.

Mr. Arias (Spain) (*spoke in Spanish*): I am grateful, Sir, for your presence here among us, and I congratulate your delegation on having chosen this important subject.

The Charter of the United Nations gives the Security Council a mandate concerning the pacific settlement of disputes and mentions a number of mechanisms that we must utilize to that end. In addition, at the Millennium Summit, held in 2000, the heads of State of States Members of the United Nations committed themselves to enhancing the Organization's

effectiveness in the maintenance of international peace and security. I shall mention five elements that, in our view, will enable us to improve the Council's effectiveness in that regard.

The first is the need for political will. The 1992 document "An Agenda for Peace" (S/24111) rightly pointed out that the Organization's possible failures with regard to the settlement of disputes have been caused largely by an absence of political will on the part of States and not because United Nations measures were insufficient or inadequate. That 1992 affirmation retains its full validity.

The second element is the interaction among the various organs of the system. Although the Security Council, through a 2001 presidential statement (S/PRST/2001/5), affirmed its readiness to consider ways to improve its cooperation with other organs of the system — in particular the General Assembly and the Economic and Social Council — at times there is not enough synergy between the Council and other organs, and when such cooperation exists, it often comes too late.

Thirdly, as Judge Elaraby mentioned, there is a need for adequate analysis of information. In order to have an effective conflict prevention policy, we need — in addition to enhancing the Council's authority, established in Article 34 of the Charter — adequate analysis of information originating from other sources.

The fourth element is cooperation with regional organizations and arrangements. In both Chapter VII and Article 33 of the Charter, it is established that Member States must utilize existing regional organizations, among other means of peaceful settlement. The Security Council must therefore promote measures undertaken at the very important regional level.

The fifth aspect is the need to coordinate peacemaking initiatives. The Secretary-General, in a 1998 report on the causes of conflict and the promotion of durable peace and sustainable development in Africa (S/1998/318), made a universally applicable statement when he pointed out that peacemaking efforts need to be well coordinated and well prepared. We must avoid situations in which international actors undertake rival or competing efforts, which would do nothing except make finding a solution even more difficult.

From all of the foregoing, we may draw a series of conclusions about the improvements needed in the Security Council's work. It is not possible to speak of the pacific settlement of disputes without attaching equal importance to measures of preventive diplomacy. The Council must do more to prevent conflict. It does not do so because of, among other things, the power relationship within it, which sometimes prevents the consensus needed to deal with an issue. In addition, sometimes there is excessive caution, and problems are allowed to develop in the belief that the conflicts will solve themselves, which is not the case. We also need more synergy between the work of the Council and that of other regional and subregional organizations and bodies.

In conclusion, as ways to improve, I should like to emphasize that the Security Council must make greater use of its prerogative under Article 34 of the Charter and to investigate any dispute, or any situation which might lead to international friction. It must make more use of Council missions in conflict zones, which enable it to obtain information first-hand while exerting pressure on the parties. In order to have an effective conflict prevention policy, we also need to analyse information originating from other sources, such as the media or civil society. Finally, as our Mexican colleague just pointed out, the Council should consider — as established in Article 36 of the Charter — initiatives employed by the parties to settle a conflict.

Sir Jeremy Greenstock (United Kingdom): We are delighted to see you in New York, Sir, chairing our meeting today. The United Kingdom is very grateful to the delegation of Pakistan for the initiative taken to bring to the Council's agenda the question of the role of the Security Council in the pacific settlement of disputes. We heard three very thought-provoking speeches at the beginning of today's meeting, and I am very grateful to our three guests for that. I think the Council needs to listen with great attention to the combined depth and breadth of their perspective and their wisdom.

There is often — rightly — much focus on the powers and responsibilities of the Council when it is taking action under Chapter VII of the Charter with respect to threats to the peace, breaches of the peace and acts of aggression. But the provisions of Chapter VI, dealing with the pacific settlement of disputes, are every bit as important. The prevention of disputes is,

after all, more important than trying to find a cure to conflicts that are already running. But prevention is difficult; early action can be taken as interference. It means the United Nations having a voice, having a record, having an authority that is respected widely enough for behaviour that might lead to conflict to change. I think Sir Brian Urquhart brought out that point very succinctly in his introduction, and we in the Council know that we have been having difficulties in that respect.

In Chapter VI of the Charter, as in so many other parts, the founding fathers of the United Nations set out a flexible and quite far-sighted mechanism that brings together several components. The Council can act on its own initiative or on that of the Secretary-General or of others outside the Council. There are many tools at its disposal: commissions of enquiry; the Secretary-General's good offices; missions to places where conflicts are taking place or where conflicts are threatened. The Council can facilitate or moderate peace processes; it can facilitate or provide a framework for the arbitration of factual disputes or for conciliation mechanisms.

Do we use all those instruments to the full? I think our speakers have asked us that question. Ambassador Marker said it is essential that the international community give consideration to the more frequent use of the devices for the peaceful settlement of disputes, requiring not just a strengthening of those methods but a greater commitment on the part of the international community and the political will to do so. The words "political will" are coming up in our interventions.

Whatever the assessment, in fact the Council can do even more than is set out in the Charter as examples. I start with prevention. The Council needs to raise questions earlier about deteriorating situations. To do this objectively, it has to be provided with better access to early-warning information and conflict analysis. The Council needs to apply lessons learned from previous conflicts; to ensure that mandates are clear and realistic and that peacekeeping operations are sufficiently strong and robust; to address the root causes of the conflict; and to provide lasting and sustainable settlements.

The Council needs to draw on the resources of the United Nations and the international community as a whole, the Secretary-General, the Secretariat, the Member States, the regional organizations and, more widely, those non-governmental organizations and other international actors that play such a vital role in supporting the United Nations work. I entirely agree with the Ambassador of Mexico that women could play a more pronounced peace-building role. Do we really use the potential of all these players to the full?

Judge Elaraby has, in addition, drawn our attention to the scarce use of the International Court of Justice. It is a remarkable fact that we have only used it once in each of those two categories that he mentioned.

It would be easy — and it is often too easily or thoughtlessly done — to blame the United Nations, and particularly the Security Council, when situations deteriorate into disputes and then finally into conflict or unrest. But we also have to remember that the United Nations is not — and, in the United Kingdom's view, should seldom be — the only or even the primary actor in the pacific settlement of disputes. The opening article of Chapter VI places the responsibility where it ought to lie in the first instance. That article makes clear that it is "the parties to any dispute" that must assume their responsibilities to settle their disputes peacefully and that are therefore, under the Charter, obliged to seek a solution to their problems by peaceful means — that is to say,

> "by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice".

Only if parties to disputes — only if the Members of the United Nations — are ready to face their responsibilities in this regard can the Security Council itself discharge fully and effectively, and with consistent success, the role it has been given. Only then can it bring its powerful resources, legal and political, to bear on the disputes which are so commonplace in relations between States and which have produced so much conflict and suffering over the years.

We are learning the hard way that the best way of dealing with difficult issues of peace and security is to combine the lawful authority of the United Nations with the political will and resources of individual Powers. How that combination can be more effectively utilized in the future should be a major item of discussion for the Council from now on.

The President: I thank the representative of the United Kingdom for his kind words addressed to me.

Mr. Wang Yingfan (China) (*spoke in Chinese*): At the outset, I should like to thank Pakistan for its initiative to hold this open meeting. I should also like to welcome Foreign Minister Kasuri and to thank him for presiding over this meeting.

I also thank Secretary-General Kofi Annan and the other guests for their statements.

The pacific settlement of disputes to promote international peace and security is one of the principles of the United Nations Charter. It is also the primary responsibility of the Security Council. As compared with Chapter VII, the various provisions of Chapter VI regarding the pacific settlement of disputes provide the Security Council with a broader scope of action and more flexible approaches to choose from as it plays its role in maintaining international peace and security.

History shows that the use of force does not resolve disputes and conflicts at their roots. An ever-increasing number of countries and peoples have come to see that the use or threat of use of force is incapable of establishing and sustaining long-term peace and security. The new security concept, which is primarily based on dialogue and cooperation, is becoming one of the most important current trends. The pacific settlement of disputes gives specific expression to that new concept of security. Experience in settling disputes throughout the world demonstrates that most disputes are solved by such peaceful means as dialogue, negotiation and consultation.

When the Security Council can play a more positive role, in accordance with Chapter VI of the Charter, in ending conflicts, promoting peaceful reconciliation and restoring regional peace and security, the international community will undoubtedly be able to entertain greater hopes for the pacific settlement of disputes. The success or failure of the Security Council in the pacific settlement of disputes hinges on the political will of the parties to a conflict to seek a peaceful settlement. The Council should objectively and accurately assess and evaluate a conflict situation in a timely fashion and offer proposals for settlement and subsequent procedures. It should also enhance its coordination with various United Nations agencies and avail itself of various ways and means, including authorizing the Secretary-General to conduct good offices and mediation, to take full advantage of the Organization's comprehensive strengths.

For years, the United Nations has dispatched numerous peacekeeping operations to conflict regions throughout the world. Such operations have played positive roles in easing tensions, promoting peaceful reconciliation and restoring regional peace and security. As for those hotspots that have defied efforts to find solutions, the Security Council should enhance its labours.

It should also be pointed out that States Members of the United Nations are at all times obligated to cooperate with the Security Council in its varied efforts to find peaceful solutions to disputes. Within their own capacities, they should also use their influence in various ways to find definitive peaceful solutions to disputes. The countries involved in disputes have made numerous diplomatic efforts that are useful complements to the Security Council's work to promote peace.

The President: I thank the representative of China for his kind words to the Pakistan delegation and to me.

Mr. Pleuger (Germany): I would like to join other delegations in welcoming you, Sir, to the chair of the Security Council today. I thank your delegation for convening this important meeting.

I would like to make this statement in addition to the statement that Greece will deliver later at this meeting on behalf of the European Union. Germany fully endorses that forthcoming statement.

Efforts to prevent or remove threats to the peace and to adjust or settle international disputes by peaceful means, in conformity with the principles of justice and international law, are among the first of the purposes of the United Nations, as defined in Article 1 of the Charter.

Germany is committed to moving the United Nations, in the words of the Secretary-General, "from a culture of reaction to a culture of prevention" (*A/54/1, para. 61*). It is therefore important that the Security Council periodically revisit its role in the pacific settlement of disputes — an area in which, pursuant to Chapter VI of the Charter, the Security Council is vested with a primary, though not exclusive, role. As stipulated by the Charter and reaffirmed by the Manila Declaration, other actors, notably the Secretary-

General, the General Assembly and regional organizations, as well as judicial institutions and mechanisms, have an important role to play.

The role of the Security Council in the pacific settlement of disputes has been outlined in particular by the provisions of Chapter VI of the Charter. Unlike situations that fall under Chapter VII, where the Council is Charter-bound to determine precisely whether the prerequisites for its invocation are met, Chapter VI provides the Council with a certain latitude in the evaluation of a situation and in the use of the most appropriate means. It goes without saying that the Council's ability to anticipate emerging disputes and conflicts, and to react to them in the most appropriate way, depends to a significant extent on an early and solid knowledge of the situation. Furthermore, the importance of early warning for the peaceful settlement of disputes cannot be overemphasized — although we realize, of course, that the political will to follow up early warning with concrete action is equally indispensable.

When looking at ways and means to enhance the Council's ability to react in the most appropriate manner, it is not necessary to reinvent the wheel. Indeed, certain lessons from the experience of the United Nations in the field of post-conflict peace-building may well be suited to being applied also to pre-conflict situations or to situations of emerging conflict. The reason is simple: the management of pre- and post-conflict situations requires some identical ingredients necessary to produce sustained peace and stability. Let me give three examples. First, the root causes of conflicts must be addressed and, whenever possible, removed. This may not always be an easy task, as the complex economic and social factors underlying the conflicts in Western Africa demonstrate. Regional organizations and States in the region play a crucial role in assisting the Council in understanding the root causes of conflict and in advising on the best ways to cope with a situation. The advice of local communities is equally important. Addressing the political and socio-economic root causes of a conflict, and involving all local stakeholders, has been the trump card for the United Nations in its more successful post-conflict management experiences, such as those in Central America.

Secondly, I would like to point out that the interrelationship of peace and security, the rule of law, human rights and the enhancement of the material well-being of people must be taken into account. The Millennium Declaration and the goals contained therein, which address all of those interrelated aspects, have reaffirmed that holistic view. A few days ago, on 8 May, the African Union reconfirmed this view in the Kigali Declaration — the document resulting from its recent human rights conference. The European Union has been very effective in applying these ideas to the stabilization and the advancement of South-Eastern Europe, notably through the Stability Pact. We now face the challenge of reconstructing a democratic, human-rights-abiding and peaceful Iraq, whose authorities should enjoy legitimacy and respond to the political, social and cultural aspirations of their people. The guarantees for this project must be provided by the United Nations, the feasibility by the international community, and the legitimacy — and thus the sustainability — by the Iraqi people themselves.

Thirdly, whatever the specific settlement plan for a dispute may be, it must be endowed with a high degree of predictability for all parties to the dispute, as well as with credible guarantees. Such confidence can be inspired by legitimate national institutions, by international judicial mechanisms and by an unequivocal political commitment by the international community, including, notably, the Council itself. Let me recall that the idea underlying the road map for the resolution of the conflict between Israel and the Palestinians is precisely to give both sides a sense of predictability on their road to peaceful and harmonious coexistence. A clear sense of direction may also be a recipe for success in other situations — and this may still be true for the situation in Cyprus, in spite of recent setbacks.

Germany welcomes efforts undertaken by the President of the General Assembly to consolidate the various aspects of conflict prevention into a single resolution. This is a useful and timely exercise that Germany wholeheartedly supports.

Some of the means available to the Council in addressing disputes and conflicts have been thoroughly explored. Others — for example the investigative powers enshrined in Article 34 of the Charter — might benefit from some reinvigoration, through the establishment of special missions or commissions of investigation, as appropriate. Germany welcomes the Council's practice of dispatching fact-finding missions to fragile situations, but believes that this instrument could benefit from some intensification. Special

missions, either by the Council itself or by appointed experts, not only convey the clear message that a situation is under observation and a matter of concern, but also help to prepare for adequate solutions. They are a means of both dissuasion and encouragement.

Another dormant Article of the Charter which may well prove its usefulness in the context of conflict prevention is Article 26, authorizing the Council, in the interest of maintaining peace and security, to establish tailor-made systems for the regulation of armaments. Germany recognizes that threats posed by terrorism and excessive armament may constitute a threat to international peace and security. That is precisely why Council interventions aimed at reducing excessive armament, imposed under the Council's prerogative to maintain peace and security, could be an important policy tool below the threshold of armed intervention.

A further area that may deserve more attention is recourse to judicial mechanisms. Here, I fully agree with Sir Brian Urquhart, quoting Dag Hammarskjöld in his statement. The Charter calls upon parties to a dispute to seek judicial settlements and encourages the Council to cooperate with them. No mechanism of dispute settlement can match the impartiality, and thus the acceptance, of judicial mechanisms. Against the backdrop of the widely recognized role played by judicial mechanisms, in particular the International Court of Justice and the International Tribunal for the Law of the Sea, it is somewhat surprising that the Council, throughout its history, proceeded only once to recommend, by virtue of Article 36, paragraph 3, of the Charter, that the parties refer their case to the International Court of Justice, while two other proposals to that effect, presented by Colombia and the United States respectively, were defeated. It would be interesting to hear whether Judge Elaraby might have any suggestions on how to make better use of that potential tool for the peaceful settlement of conflicts.

Before I conclude, let me stress one more point that in our view merits further attention: strengthening cooperation between the Council and regional organizations in the pacific settlement of disputes. The Charter confers on such organizations a special role in this regard by inviting parties to a dispute to resolve their differences, first of all, by resorting to regional organizations. Indeed, owing to their closer knowledge of the political, social and cultural context of a dispute, regional organizations are particularly well placed to provide early warning and to maintain political mechanisms for the settlement of disputes. Experiences in Europe, Africa and the Americas are encouraging. Further, judicial mechanisms to resolve existing disputes can in some instances be found at the regional level. Another interesting regional contribution to the prevention of conflicts is the decision by the Organization of American States to discourage undemocratic changes of Government by refusing to recognize them.

Far from attempting to review the issue of this meeting in an exhaustive manner, I have instead tried to highlight a few points on which Germany would be happy to engage in a closer discussion with Council members, with the United Nations membership in general and with the invited eminent personalities.

The President: I thank the representative of Germany for the kind words he addressed to me and to our delegation.

Mr. Negroponte (United States of America): Welcome back to New York, Sir, and thank you for presiding over this discussion of a topic that is important to the work of the Council and to the United Nations as a whole.

May I begin by expressing my appreciation for the thought-provoking presentations by the distinguished experts who have shared reflections on the Council's role in the peaceful settlement of disputes. In the near future, members of the Council will depart on a mission to West Africa to witness first-hand the situation in several areas where peace is precarious. The trip should deepen the Council's understanding of the factors that give rise to the dispute in Côte d'Ivoire and will hopefully lead to progress in resolving it. It is also an opportunity to learn what has gone right in Sierra Leone, where concerted United Nations and international interventions have produced progress in building lasting peace.

The Council has often stated its concerns about the threat posed by Liberian support to elements of the Revolutionary United Front and other rebel groups in Côte d'Ivoire and Sierra Leone. It did so again last week when it renewed sanctions on the regime of President Taylor. The Council mission will travel to Monrovia and meet with regional leaders who, with help from the Economic Community of West African States, are working to end Liberian-produced instability in the region. The mission will examine how regional mediation and sanctions are working to

change Liberia's behaviour and end threats to security in the region.

That is a very current example of the Council's implementation of Chapter VI of the Charter, which provides that the Council may investigate any dispute, or situation that might give rise to a dispute, in order to determine whether it is likely to endanger international peace and security. The United Nations Charter gives the Security Council primary responsibility for the maintenance of international peace and security and sets forth a formula for fulfilling that charge, which focuses on the core chapters, Chapters VI and VII.

The link between the peaceful settlement of disputes and the maintenance of international peace and security is obvious. There is a logical progression from Chapter VI, which provides for the use of peaceful means such as negotiation, mediation and judicial settlement to deal with disputes that may endanger the peace, to Chapter VII, which provides for measures taken to restore it.

We might ask whether that sequence is being followed or whether there is a tendency to react to events rather than make a more proactive use of preventive diplomacy in order to defuse disputes during their early stages. It is interesting to note that Chapter VII was invoked in only a handful of situations during the Organization's first 45 years. Today, it is frequently cited in Council resolutions.

This does not, however, signal that the Council has abandoned Chapter VI. The actions prescribed in Chapter VI are less likely to require robust measures. Much has been achieved through the efforts of the Secretary-General's envoys and representatives in hot spots around the world, through the work of the United Nations Political Office in Bougainville and through the combined efforts of the Secretary-General and the International Court of Justice to bring peace to the Bakassi peninsula, among recent examples. Over the years, mechanisms have been developed to enable the Council to prevent some disputes from reaching the stage where Chapter VII action is required. Chapter VI has stretched to accommodate the emergence of peacekeeping, a concept not mentioned in the Charter but one which has been a valuable tool in dispute settlement.

Earlier missions in which unarmed military observers monitored international disputes have been expanded to include armed infantry to provide force protection and logistical support and to carry out specific tasks such as disarmament and demobilization.

A very significant contribution to the Secretary-General's good offices role has been through his appointment of special representatives, who remain on the ground to work with the involved parties to find and implement peaceful solutions. More recently, special representatives have taken on staff to assist their activities and to coordinate the range of United Nations activities in the target countries. Strong, capable and experienced special representatives can provide an extremely important link between peacemaking, peacekeeping and peace-building as a country moves from conflict to ceasefire and, finally, to reconstruction.

The legal Committee of the General Assembly — the Sixth Committee — has considered the subject of the peaceful settlement of disputes for many years and has produced a number of important resolutions related to the topic, including the Manila Declaration on the Peaceful Settlement of International Disputes and the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field. The latter Declaration, adopted in 1988, includes specific suggestions for Security Council action, such as sending fact-finding or good offices missions at an early stage and encouraging efforts at the regional level by concerned States, regional arrangements or agencies to prevent or remove a dispute. The Declaration also recognizes the roles played by the Secretary-General and the General Assembly in preventing and removing disputes.

From the examples that I have mentioned, it seems that the Security Council is frequently faced with the choice of whether to act alone or to act in concert with another body. The Council has cooperated with regional organizations and with other United Nations organs. In one case, a group of States comprising the Friends of Haiti worked through the Security Council with the Organization of American States, the General Assembly and the Economic and Social Council in the process that restored stability in Haiti following a period of intense crisis.

Last July, the Economic and Social Council established a mechanism to set up ad hoc advisory groups for African countries emerging from conflict. The United States supported the establishment of such

a group for Guinea-Bissau and sent observers from our embassy in Dakar to join with the group in November. We believe that such a mechanism, if requested by a State which has actually emerged from conflict, can help to bridge the gap between relief and reconstruction and thus enable the United Nations system to respond coherently to conflict. It can be an important element in the complete dispute-settlement process.

Finally, I should like to stress that full and effective implementation of the Charter provisions related to the peaceful settlement of disputes requires an approach tailored to the needs of each situation that recognizes the potential contributions and utilizes, as appropriate, the capabilities of all United Nations bodies.

The President: I thank the representative of the United States of America for the kind words he addressed to me and to my delegation.

Mr. Valdés (Chile) (*spoke in Spanish*): Allow me at the outset, Sir, to thank the Pakistan presidency for having convened this meeting. We are honoured to have you presiding over our debate.

This is an opportunity for us to discuss in the Security Council a topic of ongoing importance and relevance: the role of the Council in the peaceful settlement of disputes. I wish to welcome and thank for their participation the eminent personalities who have joined us today.

Two weeks ago, under the Mexican presidency, we had an opportunity to share our views on the role of the Organization in post-conflict situations. Today we are looking at the other side of the coin: the peaceful settlement of disputes, in other words, principles and mechanisms designed to counter or prevent recourse to force.

One of the most cherished principles of the San Francisco Conference, later enshrined in the Charter, is the obligation of the Members to settle their disputes by peaceful means, so as not to endanger international peace and security or justice. This is one of the bases of universal scope that underpin contemporary international law. As a result, a State may not have recourse to force, not even in the form of threats, to resolve disputes in which its interests are affected, nor is it permissible to fight to impose one's own solution in a dispute.

It is true that the United Nations was crafted by its founders, which included my country, as an Organization primarily committed to maintaining and restoring peace. This principle is in perfect harmony with the key responsibility of the Security Council under the Charter to promote and maintain international peace and security.

Since the post-cold-war period, the international community has seen a clear trend developing in the Council to make greater and more effective use of the mechanisms and means enshrined in the provisions of Chapter VI of the Charter, with the help of the Secretariat, the other organs of the United Nations and the specialized agencies.

We have noted, also in harmony with that trend, the crafting during that period of doctrines and principles — based on the concept of preventive diplomacy — aimed at enhancing collective international action in this field. However, despite these principles and standards and despite the efforts made in recent years and the growing general recognition of the importance of the peaceful settlement of disputes, the results we have obtained, as we all know, are still far from satisfactory.

Mechanisms for the peaceful solution of disputes set out in the Charter are often not respected and have not been used as often or with the intensity and effectiveness required. The practice of the Council reveals that the maintenance or restoration of peace is given pride of place over the resolution of disputes or the prevention of conflicts. This is probably due partly to the vicious circle resulting from the persistence of many serious conflicts in various regions of the planet that must be dealt with on an emergency basis.

The Security Council, as the organ charged with the primary responsibility for the maintenance of international peace and security, has been entrusted, as has already been said, with an important role in conflict settlement. It has the power to investigate any disputes or situation that might give rise to international tensions or to a conflict. It can urge the parties, as required, to resolve a dispute through the peaceful means set out in Article 33 of the Charter. It may, at any stage of a dispute that could endanger international peace and security, once it has reviewed the means already used, recommend suitable solutions or arrangements. In doing so, the Security Council must take due account of the general rule according to which

disputes of a legal nature should be referred by the parties to the International Court of Justice. This is the inescapable responsibility of Security Council and a major political responsibility of its members.

The Council, in addition to promoting open debate and discussions, should, on the basis of the political will of its members, intensify the use of all diplomatic means to resolve disputes, be it by promoting direct negotiations, by urging parties to have recourse to negotiations or to resume them, by offering its good offices or by acting as a mediator.

Today, when it so generally asserted that the Council should be reformed, it should be recalled that the first reform should be the development of means that enable us to discharge these responsibilities.

As we have heard this morning, this means making use of the experience gained by the Council, examining the roots and causes of conflicts and finding remedies whenever possible, and dealing with disputes an early stage, before they become a threat to international peace and security.

Similarly, as international law requires, we have to keep in mind the various procedures and methods for the conflict prevention that are available to States themselves, which have the primary responsibility for the prevention of disputes. These include goodwill missions, special envoys, observers, good offices, mediation or conciliation, arbitration, adjudication, and recourse to international organs or regional arrangements, or any other method that is agreeable to the parties to the dispute.

Along these lines, it is essential for the Council to promote reliance on regional or subregional organs and mechanisms to bring about the peaceful settlement of local disputes. Our Latin American region has experience in this field that is worthy of consideration.

The great North American George Kennan once said:

> "When we are full of uncertainty and unease facing the often brutal development of history, it is only by sticking to principles and believing even more in them that we can be helped."

The principles that guide us and in which we will continue to strongly believe appear in the many resolutions and declarations adopted by this Organization since its creation. Many of these have been referred to this morning. These are the instruments that are useful and relevant today when we try to move towards a set of concrete proposals that will genuinely improve the work of the Security Council in this key field, which is of the greatest relevance to the United Nations.

The President: I thank the representative of Chile for the kind words he addressed to me.

Mr. Tafrov (Bulgaria) (*spoke in French*): Allow me to express my delegation's gratitude to this month's Pakistani presidency of the Council for organizing this brainstorming session on such an important matter. I would also like to thank the prominent individuals who were so kind as to participate in our meeting today for their extremely interesting and valuable contributions to our debate.

As a country associated with the European Union, Bulgaria fully endorses the statement to be made by the representative of Greece on behalf of the European Union.

As Secretary-General Kofi Annan said a moment ago — and I fully agree with him — the principle of the pacific settlement of disputes stands at the heart of the Organization's Charter. Bulgaria is dedicated to this guiding principle of the United Nations and of Bulgaria's diplomacy.

Chapter VI of the Charter empowers the Security Council to play an important though not exclusive role in the pacific settlement of disputes. The primary responsibility for the pacific settlement of disputes rests with the parties to a dispute or conflict themselves. As some speakers who have spoken before me have said, the prestige and the very image of the United Nations are very important in efforts to encourage parties to a conflict to embark upon the path of negotiation and peace. The role of the Security Council within the United Nations system is, of course, central in this regard. However, experience has shown that the Council has succeeded when it has acted in cooperation with other United Nations organs, namely, the General Assembly and the Economic and Social Council.

We believe that the relationship that has been established over the years between the Secretary-General and the Security Council is very important. In this connection, the Council's major role is to set out clear-cut mandates for the Secretary-General, enabling

him to make the best possible use of all the diplomatic tools at his disposal. I would also like to point out the importance and invaluable part played throughout the years by special representatives of the Secretary-General, who quite often represent to many countries and local communities the very embodiment of the spirit of peace.

Other speakers before me have said that, for historical and political reasons, the Security Council has not made equal use of all the tools available to it under Chapter VI. We must point out that, while some diversification in the use of those instruments may perhaps be necessary, a sprit of pragmatism and common sense should nevertheless always prevail in the face of the very varied situations confronting the Council. In that connection, the formulas utilized by the Security Council should be diverse. I believe that routine and inertia are two dangers for the Council. I would also like to emphasize the importance of Article 35 of the Charter, which enables States to have greater recourse to the Council.

The role of cooperation between the Council and regional organizations has increased throughout the years. Such partnerships enhance the capacity of both the Council and the organizations concerned to contribute to the pacific settlement of conflicts. In 2004 Bulgaria will chair the most important and inclusive European security organization: the Organization for Security and Cooperation in Europe (OSCE). Obviously, the principle of the pacific settlement of disputes, which is at the very heart of that important body, will be the guiding spirit of Bulgaria's chairmanship of the OSCE. As I have said before, our chairmanship will attempt to highlight cooperation with the United Nations and the Security Council, in accordance with the framework for cooperation and coordination signed by the OSCE and the United Nations on 26 May 1993 and the relevant resolutions of the Security Council and the General Assembly, including Assembly resolution 57/298.

In conclusion, I believe that one cannot speak about the pacific settlement of disputes without mentioning the growing importance of the Security Council's relations with non-governmental organizations in this field. Their early warning role in alerting the Security Council is often crucial, enabling the Council to give early consideration to conflicts and enhancing its effectiveness.

The President: I thank the representative of Bulgaria for his kind words addressed to my delegation and to me.

Mr. Traoré (Guinea) (*spoke in French*): At the outset, I should like to express to you, Mr. President, and to the delegation of Pakistan my delegation's gratitude for the organization of this meeting on the role of the Security Council in the pacific settlement of disputes. Despite your busy calendar, you have found the time to preside. That confirms, if that were necessary, the importance of the topic that we are considering today. My gratitude goes also to the Secretary-General for his very instructive introductory statement. In addition, I should like to welcome the presence among us of eminent personalities whose rich experience in the service of the international community will, I am convinced, help to enhance the quality of our debate.

It should be recalled that one of the primary objectives that the United Nations set for itself is the establishment of a climate of trust and peace among States. In order to accomplish that, the Organization offers vast possibilities. Therefore, by virtue of Chapter VI of the Charter, it has defined ways to prevent war and to create understanding and harmony among nations. In that context, many mediation efforts have been undertaken at the bilateral, subregional, regional and multilateral levels.

We must acknowledge, however, that several conflicts of diverse natures have developed to the point where they jeopardize the regional and even international balance. The pacific settlement of such conflicts is incumbent on all of us. In that arduous task, the Security Council, for its part, has a crucial role to play by virtue of its mandate. It must try to prevent potential sources of tension by extolling the virtues of dialogue — direct or indirect — because it is from such dialogue, with an underlying spirit of tolerance, that enlightening ideas that might enable us to transcend differences can arise.

Beyond that preventive role, this body is called upon to intervene with a view to facilitating negotiations among the parties once a conflict has erupted. It goes without saying that such negotiations require a spirit of compromise and responsibility on the part of the parties involved, in conformity with the provisions of Chapter VI of the Charter.

My delegation emphasizes, furthermore, that subregional and regional organizations are appropriate channels for the prevention, management and settlement of conflicts. The mechanisms created for that purpose by the African Union and the Economic Community of West African States, which have often shown themselves to be active and useful, are there to prove that. In order to lend greater effectiveness to the actions of those organizations, it would be desirable to convene a permanent evaluation and coordination mechanism based on strengthening the partnership with the Security Council.

Experience teaches us, moreover, that civil society actors can play an important role in the settlement of disputes. In that context, the action of women of the Mano River Union deserves more attention.

If there is no doubt that the quest for and maintenance of international peace and security are incumbent primarily on the Security Council, we must recognize that other United Nations bodies play a role that is no less important. Many legal disputes arising from the interpretation of treaties have caused differences of evaluation as to their implementation. We are pleased to note that more and more parties to an emerging conflict are resorting to the International Court of Justice to find a peaceful settlement to their disputes, thereby sparing themselves an overt confrontation with unforeseeable consequences.

In conclusion, my delegation would like to reaffirm its conviction that the preservation of international peace and security is a long-standing task that challenges all of us. At a time when humanity faces many threats, we should, in the last analysis, further coordinate our efforts with a view to finding, on a case-by-case basis, the best ways to avoid confrontation and to create conditions for a better world.

The President: I thank the representative of Guinea for the kind words he addressed to me and to my delegation.

Mr. De La Sablière (France) (*spoke in French*): At the outset, I should like to tell you, Sir, how pleased I am to be at this meeting under your presidency. I should also like to take this opportunity to congratulate you and Pakistan on the particularly distinguished way in which Ambassador Akram and the Pakistani delegation are conducting the presidency of the Security Council this month.

We live today in a globalized world where all threats are linked. In that context, the importance of the pacific settlement of disputes is as crucial as it was when the Charter of the United Nations was adopted. Each dispute can, in fact, quickly degenerate, engulf an entire region and even give rise to brinksmanship.

Chapter VI of the Charter clearly sets forth the ways that the parties should use, on a priority basis, to find pacific settlements to their disputes: negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or any other peaceful means of their choice. We must be aware of the fact that Chapter VI establishes a balance among the role of the parties, that of the Council and, eventually, those of other actors. That balance, it must be said, places principal responsibility with the parties themselves, even if they can appeal for external intervention to help them to settle their disputes. I am thinking, for example, of the good offices exercised by France to help solve the dispute between Yemen and Eritrea on the Hanish islands.

In practice, the implementation of the peaceful settlement of disputes has given rise, for a number of years, to two developments on which it would be interesting to focus.

The first development is that the Secretary-General or his envoys and special representatives have been compelled to play an increasingly significant role in the pacific settlement of conflicts. That is the case in a preventive role before a dispute degenerates into an armed conflict; it is also the case when a lasting solution is sought to a conflict that has already led to armed confrontation. Here, I am thinking of the efforts of the Envoys or Special Representatives of the Secretary-General for Cyprus, for Western Sahara or for Abkhazia. In all of those situations, the qualities of patience, discretion, persistence, impartiality and imagination which have been employed by the Secretary-General, together with the moral and political authority conferred on him by the Charter, enable him to make a decisive contribution.

A second development is the growing role of regional organizations or integrated groups. For example, that is the case in Africa at the continental and subregional levels. Such organizations often have more direct knowledge of the actors and the stakes in a

crisis and can apply more leverage. The Organization for Security and Cooperation in Europe (OSCE) has thus done useful work to help settle conflicts in Upper Karabakh, in Transdniestr or in South Ossetia. I should also like to note, as a representative of a European country, the remarkable action taken by the European Union to help Macedonia by combining political and economic instruments — and now military ones — during a period of crisis that could have had a destabilizing effect on the Balkans.

We all, of course, have in mind a case in which there has been a combination of both elements — the roles of the Secretary-General and of regional organizations — in a conflict of particular significance to peace throughout the world. I am talking about the Middle East and the endeavour which has united the United Nations, the European Union, the United States and Russia in a quartet. A great deal of our hope resides in the implementation of the road map designed by that body.

In the modern version of the concept of the settlement of disputes, what is the role of the Security Council? In our view, there is no call to tamper with the balance defined by the Charter, but within the system established under Chapter VI the Security Council can make a major contribution in various ways: by defining the principal parameters for the settlement of a conflict; by giving political support for the action of the Secretary-General or of regional organizations; by deciding on peacekeeping operations and observer missions to stabilize a military situation, such as the United Nations Disengagement Observer Force, the United Nations Interim Force in Lebanon, the United Nations Peacekeeping Force in Cyprus, the United Nations Organization Mission in the Democratic Republic of the Congo or the United Nations Mission for the Referendum in Western Sahara; and, in broader terms, by facilitating the implementation of an agreement between the parties or by sending them the message that they must find a negotiated solution. This, I believe, is what the Council does every day in its work in New York, in particular with regard to African issues, and occasionally in its travels, as with the imminent missions to West Africa and to Central Africa.

In conclusion, I would reiterate my country's deep commitment to the pacific settlement of disputes. We are very grateful to Pakistan for having organized this meeting and we support the terms of the draft presidential statement. More than ever, if it is to have any hope of success the pacific settlement of disputes must be based on the cooperation of all parties involved: the parties themselves, other States with particular influence, and the various bodies of the international community to which I have referred. Action can be effective only if there is a commonality of thinking among the principal actors involved in any given situation.

Our Council cannot stand in for those actors, but it must and can, wherever possible, try to be the catalyst for a meeting of minds and wills that will allow for the implementation of a pacific settlement of disputes.

The President: I thank the representative of France for his kind words addressed to me and to my delegation.

Mr. Gaspar Martins (Angola): Allow me first of all, Sir, to welcome you again to our midst as you preside over this open meeting. Allow me to commend you for the far-reaching choice of the theme "The role of the Security Council in the pacific settlement of disputes".

The pacific settlement of disputes has constituted and continues to be one of the greatest challenges of our time. The rich reservoir of options contained in Chapter VI of the Charter is still unexplored and remains to be fully tapped by the Member States. Thus, the theme proposed by the Pakistani presidency for this public meeting constitutes a coherent and somehow good opportunity for our Council to continue the debate pursued during the Mexican presidency last month, covering three topics: the pacific settlement of disputes, the role of regional organizations in the maintenance of peace and security, and the role of the United Nations in post-conflict situations. The three are organically linked and, together with the provisions of Chapter VII of the Charter, form the core of the Security Council's mandate in dealing with threats to international peace and security and actions to prevent such threats.

Your initiative, Sir, is particularly timely and apt. Important developments that we welcome are taking place in South Asia, leading to the establishment of full diplomatic relations between India and Pakistan and creating favourable conditions for solving a long-standing dispute through bilateral dialogue and pacific

means. Angola commends and encourages the two nations to forge ahead.

The world is still living through a complex process of global transition, unsettled as it is by enormous political, technological and civilizational changes that have occurred during the past decade. Great hopes were raised when this process was unleashed for the possibilities for a renewed role of the United Nations in promoting cooperation for peace and in ensuring a more stable and secure world. However, such changes added new risks to old ones, which remained embedded in international life and are still the main sources of threat to peace. Such issues as poverty, disease, famine, oppression and the growing disparity between rich and poor have not been solved and require the greatest attention from us all if the world is to be spared permanent conflict and insecurity.

The United Nations, by gathering the world community of sovereign States in a common endeavour of cooperating for the preservation of peace and security and by benefiting from its operational experience in dealing with critical situations, remains a unique and indispensable tool for facing the threats to peace and building a more secure world.

States are the foundation stones of the United Nations, in that they bear the primary responsibility for contributing to the objective of developing the Organization's potential to achieve international cooperation for peace. It is up to the States to recognize the validity and relevance of the United Nations Charter by abiding by it, refraining from actions inconsistent with its principles and complying in good faith with their obligations in the pacific settlement of disputes.

The Charter is very clear in imposing on States the obligation to resort to negotiated solutions when they are party to any dispute likely to endanger peace and security. The conceptual and practical approaches to fulfilling these provisions of the Charter have been defined and put into practice. Preventive diplomacy is the most suitable way to resolve disputes before conflict breaks out; it is possible to apply, however, only when the good faith and political will exist among the States concerned to solve a dispute by peaceful means and when the parties are ready to engage in meaningful negotiations.

My delegation wishes to underline the paragraph contained in the draft presidential statement to be adopted later, relating to the commitment of the Security Council to make wider and more effective use of the procedures and means enshrined in the provisions of the Charter for the pacific settlement of disputes as essential components of its work to promote and maintain international peace and security.

A number of conflicts could have been prevented in the past — or at least action could have been taken with a view to their prevention. But too often in the past the inaction of the international community and the United Nations allowed situations to grow to uncontrollable proportions. In our view, when the Security Council receives reports of mounting conflict in certain countries or regions, it should engage in immediate action and put in place the instruments at its disposal to prevent the deterioration of the situation and any conflict that might ensue.

In this connection, regional organizations are particularly well suited to working with the Secretary-General and the Security Council to provide accurate assessments of crisis situations. Regional organizations can engage in preventive diplomacy and take political decisions whenever a situation is at risk of becoming a crisis for the region concerned. It is our shared view that regional organizations can play a fundamental role in the maintenance of peace and stability. The meeting held by the Council last month, with the participation of the heads of the main regional organizations, reiterated the important role played by them. This meeting today reinforces that point.

I would like to conclude by reiterating my delegation's great appreciation to the Pakistani presidency for having taken this initiative to invite to the Council three eminent, experienced personalities to share their reflections. They have enriched our debate, inviting the Council to tap more fully into the reservoir of preventive diplomacy, which renders the Council more effective and its solutions more responsive to the problems we face in the world today.

The President: I thank the representative of Angola for his kind words addressed to me.

Mr. Wehbe (Syrian Arab Republic) (*spoke in Arabic*): My delegation would like at the outset to express its satisfaction at seeing you, Sir, presiding over this meeting of the Council. We welcome you once again to New York. We extend our thanks to your friendly country, Pakistan, and to your delegation for having included this important item on the agenda of

the Council this month. It is a subject of great importance, particularly at this juncture.

My delegation would also like to welcome the Secretary-General and the eminent personalities who participated in our discussion. They have very rich experience of the work of the United Nations, especially in the field under consideration today.

The Security Council has the greatest authority of any United Nations organ. It is mandated to maintain international peace and security. While the General Assembly may make recommendations to Member States and adopt resolutions, the Security Council has the authority to adopt resolutions whose implementation is compulsory, in accordance with the Charter, in particular its Chapters VI and VII. The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute. The Council can also recommend any measures or actions with a view to resolving such conflicts, if it considers them to constitute a threat to international peace and security.

The Security Council can also refer any matter relating to international conflict to the International Court of Justice for its consideration. It can also rely upon the legal advice of the International Court of Justice. That has happened only once, as we heard from one of our guests this morning. The Security Council has broad authority that allows it to decide on measures to be taken in situations that pose a threat to international peace and security or that risk degenerating into aggression. In such cases the Security Council can resort to the use of armed force in order to maintain peace and security.

We have heard many speakers today state that the provisions of Chapter VI were frequently applied during the cold war. In the past decade, however, the focus has been more on Chapter VII — as if there were a clear dividing line between the two chapters. Of course, if the Security Council relied only on Chapter VII and completely ignored Chapter VI, that might move the Council away from the main purpose for which it was originally established.

The role of the United Nations in preserving collective security is defined in the Charter, and the Security Council has the authority to look into any situation that may threaten international peace and security. It has the authority to make appropriate recommendations for the pacific settlement of disputes. The Council also has the authority to impose economic or diplomatic sanctions against countries that act in a manner that threatens international peace and security. The Council also has the authority to call for the use of armed force if need be.

For more than 50 years, the United Nations in general and the Security Council in particular have assisted in preventing many local and international conflicts, through the diplomacy of dialogue and pacific settlement based on negotiation. They have also resolved many conflicts and made, kept and built peace in many regions of the world.

Regrettably, however, some major problems remain, in particular the Middle East problem, one of the oldest conflicts before the Security Council. It has been on the General Assembly and Council agendas for more than half a century. We wish to point out that all Security Council resolutions on the Arab-Israeli conflict were adopted under Chapter VI of the Charter. The Council has not taken the appropriate measures to achieve a peaceful settlement of that conflict, which continues to rage despite the Madrid conference, with its background of negotiations and its basis in Security Council resolutions 242 (1967) and 338 (1973). Despite all of this, the problem remains unresolved.

The principles set out in the Millennium Declaration and in Security Council statements on the need for the Council to take an active role in resolving international conflicts underline the importance of avoiding the use of force in international relations in any way running counter to the purposes of the United Nations. They also stress the importance of settling international disputes by peaceful means.

The role of the Security Council is not limited to the use of peaceful means. It also includes using all other possible measures to prevent a situation from becoming a conflict threatening international peace and security. That can be achieved by developing the capability of the United Nations effectively to deal with all issues related to possible conflicts, such as by enhancing mechanisms of cooperation in the field of information and planning, by adopting preventive measures and by formulating a general plan to establish a better early warning system and to improve the effectiveness of the United Nations.

The Security Council has the mandate to settle conflicts by peaceful means, and must therefore take into consideration the transformations that have taken

place in our world today. The Council should also take into consideration the feelings and reactions of the peoples of the world, for whose security and peace the Council is responsible. Those peoples believe that the use of Chapter VII is not in their interest. That concurs with the opinion of many legal experts, who favour friendly, diplomatic instruments and solutions based on peaceful negotiations and the provisions of Article 33 and other articles of the Charter that refer to peaceful solutions.

We believe that improving the working methods of the Council would make the Council more effective and just. In order to achieve justice in its resolutions and effectiveness in the implementation of those resolutions, we believe that double standards should be avoided in both the adoption and the implementation of resolutions. Such double standards are no longer understandable or acceptable, particular now that the cold war has ended.

Secondly, reform of the Council's working methods and reform to make the Council more democratic should receive greater attention and should be carried out in accordance with current developments in the world.

Thirdly, the necessary increase in the membership of the Council in both the permanent and non-permanent categories should be made in accordance with the request of the Non-Aligned Movement.

Fourthly, the veto power should be used less often, since it is a tool that — to say the least — is not in keeping with the spirit of democracy.

Fifthly, there should be close cooperation with other organs and bodies of the United Nations system, in particular with the Secretary-General, the General Assembly and the International Court of Justice.

Sixthly, there should be close cooperation with regional organizations, which can effectively contribute to the pacific settlement of disputes. The desirability of that approach has become very clear in the African region.

Finally, all resolutions remain dead letters without the clear and serious political will to implement them.

The President: I thank the representative of the Syrian Arab Republic for his kind words addressed to me.

Mr. Lavrov (Russian Federation) (*spoke in Russian*): We are glad to welcome you, Mr. Minister, as you preside over this meeting, at which, at your initiative, we are considering a very important and multi-faceted topic.

We are also grateful to the Secretary-General for his statement and to our distinguished guests, Mr. Nabil Elaraby, Mr. Jamsheed Marker and Sir Brian Urquhart, for their contributions to our work. I hope that their experience, their wisdom and the arguments that they have made for the pacific settlement of disputes and conflicts will help us to find the right solutions in these difficult times.

The Security Council has an important role in the pacific settlement of disputes and armed conflicts. It is an organ with a unique international legal legitimacy. It has a wealth of experience in peacekeeping and in the mobilization and coordination of international and national resources, and it has a broad range of resources in this area. I would like to say that this machinery can also be fully applied to the prevention of conflicts and disputes. In that context, it is important to observe the generally accepted norms and principles of international law, including the decisions of the Security Council, which lay the foundation for a comprehensive strategy to prevent disputes and armed conflicts. Foremost among those decisions is resolution 1366 (2001).

We also note what is taking place now in the General Assembly. The final touches are being scrupulously applied to a draft resolution on the same question. The approval of the draft presidential statement prepared for today's meeting at the initiative of Pakistan is intended as a substantial contribution to our joint efforts in carrying out one of the major Charter tasks of the Organization as a whole and in particular of the Security Council: the peaceful settlement of disputes and armed conflicts and the prevention and elimination of threats to peace and other violations of the peace.

Recent events have once again reaffirmed the importance of all States showing political will and consistently being guided by the tenets of the Charter. These include the observance of the principle of the non-use of force in international relations, except as provided for in the Charter. The international community has a heightened understanding of the nature of current threats and challenges and of the

imperative need for multilateral efforts to overcome them, and of the unprecedented scope of the tasks facing the United Nations and its Security Council in this sphere. As never before, the Council's ability to produce a quick and adequate response to emerging threats to global peace is of enormous significance. An important role is played by the Secretary-General and his representatives in various regions and by special missions of the Security Council, as well as by regional organizations.

A vital and capable United Nations is a key instrument for collectively working on joint measures to confront the threats on the basis of strengthening and developing a collective security system as set forth in the Charter. In this connection, the main responsibility for the settlement of disputes lies with the parties themselves, and no one can replace them in that regard.

The Russian Federation, fully realizing its responsibility as a permanent member of the Security Council, is prepared to continue to promote the search for ways to enhance the effectiveness of the Council's efforts to prevent, and find peaceful settlements to, disputes and armed conflicts. The evolution of peace processes will dictate the need to develop norms of international law and adapt them to new realities. However, such work must be carried out collectively, on the solid base of the United Nations Charter, which will enable us to come up with agreed-upon decisions whose legitimacy would not be in doubt. We are firmly convinced that the future lies in collective efforts to solve problems of general concern to today's world.

The President: I thank the representative of the Russian Federation for his kind words addressed to me and to my delegation.

Mr. Belinga-Eboutu (Cameroon) *(spoke in French)*: A month ago the Security Council had a precursor debate on the subject of the Security Council and regional organizations: facing the new challenges to international peace and security. Among these challenges, there is the imbalance in international economic relations, with the worsening of poverty, terrorism, and, above all, the persistence of conflicts. This meeting devoted to the Council's role in the pacific settlement of conflicts is an extension of that exercise.

I would like to commend Pakistan — your country, Mr. President — for choosing this topic and to thank you, Sir, for taking your valuable time to personally lead our work at this important meeting. I wish to welcome the outstanding personalities present who have helped us with their thoughts and experience as their contribution to the role of the Security Council in the pacific settlement of disputes.

Finally, last but not least, I would like to welcome the presence of the Secretary-General, Mr. Kofi Annan, at the beginning of our meeting and his important statement.

The Preamble of the Charter gives the general principles, establishes standards and proclaims the maintenance of peace as a priority concern, a fundamental base for the United Nations. This proclamation determines the profound philosophy of the Charter: to prevent war, to maintain peace. How is this to be done, and in what way? The essential role in this regard was entrusted to the Security Council, in Articles 25 and 33 to 44 in particular. The Council therefore appears to be the cornerstone of the system for maintaining peace — the indisputable cornerstone, because it remains the depositary of both preventive action and coercive action. However, it is not an unshakeable cornerstone, nor is it one which cannot be ignored, because the lack of means and especially the absence of political will on the part of its members drastically limit its actions. This is why our current debate is timely and important.

The peaceful settlement of disputes is not a new issue. Already, in 1907, Article 1 of The Hague Convention for the Peaceful Settlement of International Disputes, signed on 17 October at The Hague, provided that "With a view to obviating as far as possible recourse to force in relations between States, the Contracting Parties agree to use their best efforts to ensure the pacific settlement of their international differences."

Other initiatives and other resolutions adopted within the United Nations reinforce this dynamic. This is the case with the resolution on principles for the prevention and peaceful settlement of disputes adopted in 2002. This is the case with the Declaration on the Prevention and Elimination of Disputes adopted in 1998. This is the case with the Manila Declaration on the Peaceful Settlement of International Disputes of 1982. Finally, this is the case with the 1970 declaration on principles of international law concerning friendly relations and cooperation among States.

The pacific settlement of disputes would thus seem to be an imperative norm reaffirmed by the Charter in Article 2, paragraph 3. The obligation for States to settle their disputes by peaceful means now should have a deeper impact on their behaviour. In other words, this obligation should encourage States to give preference to negotiation over war. That is the price of international peace and security.

With this in view, the Charter gives to the Security Council a pre-eminent role, as set out in Article 24, paragraph 1. This is a responsibility fraught with consequences. It means, inter alia, that the Council must in all circumstances act in a resolute and preventive manner in order to forestall the guns from sounding. This, for my delegation, is the thrust of Chapter VI of the Charter of the United Nations.

The Manila Declaration got it right in inviting the Council and its members, as well as the Members of the Organization, to make use of every possibility to achieve the peaceful settlement of disputes with a view to averting breaches of the peace. In order effectively to discharge this role, the Council has at its disposal a range of instruments and mechanisms that together help in the peaceful settlement of disputes. Here I am thinking of missions of inquiry, good offices and cooperation with regional organizations, which have established expertise with regard to their regions, experience as to the cause of conflicts and the ability, perhaps, to put an end to them. I am thinking also of the various decisions that might be taken at any time to force States to resort strictly to peaceful means in order to prevent or resolve problems that may have arisen among them.

That any Member of the United Nations has the option of bringing a dispute to the Security Council, if it is a party to a conflict, and that it must assume the obligations stemming from a peaceful settlement constitutes, as we see it, one of the most important contributions of our Charter in this field.

The Charter also extends this privilege to the General Assembly and to the Secretary-General when a dispute has the potential to endanger international peace and security. This openness in the jurisdiction of the Council allows it to use its competence in any warlike situation and to show the firm determination of the founders of the United Nations to discharge its full responsibility in this regard. Moreover, the Council has the ability to refer States to the International Court of Justice. This without doubt represents major progress in the promotion of international peace and security through peaceful means, usefully supplemented by mediation and conciliation, as provided for in Articles 37 and 38 of the Charter.

The instruments available to the Council can be effective only if States cooperate fully, and for good reason. That is because States have a key responsibility in the prevention and settlement of conflicts. Today more than ever before, the international community is called upon to strengthen methods for the peaceful settlement of disputes. There can be no doubt that all of humankind in solidarity can win the battle for peace if guns give way to negotiations and international legal bodies.

Formerly a ward of the United Nations, Cameroon is deeply dedicated to the Organization, to the principles that are its bedrock and to the peaceful settlement of disputes. We demonstrated this once again most recently, both in principle and in our convictions. Cameroon is indeed convinced, as President Paul Biya consistently emphasizes, that there is no crisis involving two States, and in particular no internal crisis, that cannot be resolved peacefully.

Above and beyond dialogue, the major tool in this regard is, no doubt, reliance on law. Cameroon welcomes the sound steps taken along the path to peace by the Security Council. This progress, however, should not make us forget the deadly conflicts that continue to claim the lives of civilians and combatants throughout the world or the grave threat posed to the world today by the spread of weapons of mass destruction, the resurgence of terrorist activities and, as has been said, the persistence of poverty.

In order to avert or overcome such dangers, we must join forces and practice tolerance and dialogue. We must vigorously reaffirm our dedication to the primacy of law in relations among States and, hence, to the pacific settlement of disputes, including the resort to the courts of law.

The pacific settlement of disputes would entail adoption by the Security Council and the United Nations, whenever circumstances so dictate, of any measure to compel States, if necessary, to implement forthwith and without equivocation the decisions established for peaceful procedures. This is even more fundamental when it comes to the decisions of the International Court of Justice. At stake is the

credibility of the machinery established in the Charter. At stake is the credibility of the Security Council in exercising its essential role in the pacific settlement of disputes.

This debate has given us an opportunity for fruitful consideration of the future role of the Security Council in the pacific settlement of disputes. In future, we must be even more innovative and creative in making our Council more capable of facing the challenges to peace and security posed by conflict.

The President: I thank the representative of Cameroon for his kind words addressed to me.

I shall now make a statement in my capacity as Minister for Foreign Affairs of Pakistan.

At the outset, I would like to express my appreciation to the Secretary-General and to the experts invited to this meeting — Sir Brian Urquhart, Ambassador Jamsheed Marker and Judge Nabil Elaraby — for their important statements.

The United Nations Charter begins with the words:

> "We the peoples of the United Nations determined to save succeeding generations from the scourge of war...".

The central purpose of the United Nations is therefore to promote and preserve peace. Yet peace, as the Charter recognizes, is to be based on justice.

The Charter charges the Security Council with the primary responsibility for the maintenance of international peace and security. In this regard, Chapter VI of the Charter defines the Council's role in the pacific settlement of disputes. We have heard this morning thoughtful statements from eminent experts and Council members on the successes and failures of the Security Council and the United Nations in maintaining and promoting peace and security and the extent to which the provisions of Chapter VI have been fully implemented.

This meeting was designed to discuss how the Security Council could do more to promote peaceful solutions in accordance with its Charter obligations. We have a long and abiding association with the Security Council in this regard. Our involvement with the Council came very early in the history of the United Nations. It was intensified when the dispute over Jammu and Kashmir was referred to the Security Council.

The Prime Ministers of Pakistan and India have recently taken the initiative to reduce tension in South Asia and reverse the negative trends of the recent past. Today, therefore, I do not wish to say anything that would vitiate the atmosphere for the resumption of bilateral talks with our neighbour, India. However, it is a historical fact that one of the earliest applications of Chapter VI of the United Nations Charter was in the Kashmir dispute.

Following negotiations and agreements among the parties, the Security Council adopted resolution 47 (1948), of 21 April 1948, which promised a free and fair plebiscite under United Nations auspices to enable the people of Jammu and Kashmir to determine whether they wished to join India or Pakistan. Before and after that resolution, the Security Council instituted a series of mechanisms — including the establishment of the United Nations Commission for India and Pakistan, the deployment of a military observer group and the appointment of eminent special representatives of the United Nations, who consulted the two parties and submitted extensive reports on how to resolve the dispute in accordance with provisions of the Security Council resolutions.

The process ran aground due to the cold war, when the Security Council could no longer act to persuade the parties to implement its resolutions. The Simla Agreement and the Lahore Declaration support solutions through bilateral discussions. At the Agra summit, in July 2001, Pakistan and India almost succeeded in launching a framework for revived talks.

Today, despite the discouraging record, Pakistan is hopeful that we can revive the process of dialogue for which we have been pressing consistently, before and after the Agra summit. A peaceful solution to Jammu and Kashmir is possible if both sides display flexibility, goodwill and wisdom. It is, however, obvious that there can be no durable solution unless the aspirations of the people of Jammu and Kashmir are taken into consideration. We are confident that the international community, and especially the Security Council and the Secretary-General, will extend their full support to Pakistan and India in their fresh endeavours for peace.

Palestine is another historical issue that remains outstanding on the Council's agenda. On this issue, the

Council has acted under both Chapter VI and Chapter VII of the Charter. In recent years, efforts for peace in the Middle East have proceeded mostly outside the Council. These endeavours, including the mechanism of the Quartet, reflect the spirit and substance of Chapter VI of the Charter. The Quartet has proposed a road map for steps towards durable peace based on Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002) and aimed at the creation of two States — Palestine and Israel — living side by side within secure and recognized borders. What is now required are determined measures to implement the road map. The Security Council can support and strengthen the process of implementation.

Some commentators have proclaimed that the Security Council "failed" when it could not agree to a resolution to authorize the use of force against Iraq. On the contrary, the outcome emphasized that the Security Council sets a very high bar for the authorization of enforcement action in accordance with Article 42, Chapter VII, of the Charter. Efforts at conflict resolution must go through the stages of pacific settlement encouraged in Chapter VI, and thereafter to the more coercive measures outlined in Articles 40 and 41 of the Charter under Chapter VII, before any final recourse to Article-42-type enforcement action. The Security Council's demurral with respect to authorizing force against Iraq notwithstanding, the previous regime's flagrant violations highlight the need to do everything possible to succeed in resolving conflicts through the processes set out in Chapter VI of the Charter.

In this debate we have heard many different suggestions on how the Security Council can more efficiently utilize and support such Chapter VI instrumentalities for peace. These include calling on parties to negotiate agreements for dispute settlement; authorizing the Secretary-General to increasingly utilize all the modalities at his disposal for the peaceful resolution of disputes; the appointment of commissions of inquiry and conciliation; and more frequent requests to the International Court of Justice for advisory opinions.

The Security Council could also use its mandatory enforcement authority under Chapter VII to persuade parties to disputes to engage in the processes for the peaceful settlement of disputes envisaged under Chapter VI of the Chapter. The Council could, moreover, through a decision adopted under Chapter VII, refer a dispute to the International Court of Justice, whose determination would thereafter be binding on the parties, irrespective of whether or not they had accepted the jurisdiction of the Court.

The United Nations remains an indispensable forum in spite of the enormous asymmetry of power among its Member States. It is in the interest of all Member States, including those that have the capacity for unilateral action, to address issues through the Security Council and the United Nations. This is the only institution that offers international legitimacy, credibility and acceptability for the actions and policies of individual Member States or groups of States. Those assets of legitimacy, credibility and acceptability must be more vigorously utilized by the Security Council to prevent armed conflicts and to settle disputes peacefully. In this age of nuclear weapons and advanced conventional means of destruction, the Security Council must give life to the central obligation of Member States under the Charter to refrain from the threat or use of force, to avoid war and to seek and build peace, if necessary slowly and peacefully, through the vast spectrum of modalities envisaged in Chapter VI and other provisions of the Charter.

I now resume my functions as President of the Security Council.

There are still a number of speakers remaining on my list for this meeting. I intend, with the concurrence of the members of the Council, to suspend the meeting until 3.15 p.m.

The meeting was suspended at 1.30 p.m.

United Nations S/PV.4753 (Resumption 1)

Security Council

Fifty-eighth year

Provisional

4753rd meeting

Tuesday, 13 May 2003, 3.15 p.m.
New York

President:	Mr. Akram	(Pakistan)
Members:	Angola	Mr. Gaspar Martins
	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Belinga-Eboutou
	Chile	Mr. Valdés
	China	Mr. Wang Yingfan
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Guinea	Mr. Traoré
	Mexico	Mr. Aguilar Zinser
	Russian Federation	Mr. Lavrov
	Spain	Mr. Arias
	Syrian Arab Republic	Mr. Wehbe
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Negroponte

Agenda

The role of the Security Council in the pacific settlement of disputes

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

03-35745 (E)

The meeting resumed at 3.25 p.m.

The President: I should like to inform the Security Council that I have received a letter from the representative of Armenia, in which she requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Ms. Davtyan (Armenia) took the seat reserved for her at the side of the Council Chamber.

The President: The next speaker inscribed on my list is the representative of Greece. I invite him to take a seat at the Council table and to make his statement.

Mr. Vassilakis (Greece): Since this is the first time we are speaking under your presidency, Sir, allow me first of all to congratulate you on your assumption of your duties. I should also like to express our warm congratulations to the previous President, the Permanent Representative of Mexico, on his excellent work.

I have the honour to speak on behalf of the European Union. The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia, the associated countries Bulgaria, Romania and Turkey, and the European Free Trade Association country belonging to the European Economic Area Iceland declare that they align themselves with this statement.

The maintenance of international peace and security is a major concern of the European Union. In that respect, we firmly support all efforts undertaken in the United Nations and within regional organizations to strengthen mechanisms aimed at the prevention or removal of disputes that might threaten international peace and security and at the peaceful settlement of such disputes.

The European Union is fully committed to the implementation of existing international instruments and to the relevant principles and rules concerning the peaceful settlement of international disputes. We strongly uphold the principle that States should act so as to prevent, in their international relations, the emergence or aggravation of disputes or situations, in particular by fulfilling their obligations under international law. Likewise, we believe that it is the duty of all States, in accordance with the principles of the Charter of the United Nations, to use peaceful means to settle any dispute to which they are party and whose continuance is likely to endanger international peace and security.

In that respect, the European Union attaches great importance to Chapter VI of the Charter and, in particular, to the various methods for the prevention and settlement of disputes that are incorporated in its Articles 33 to 38. We consider, however, that States should make the most effective use of those procedures and methods, as was also indicated in General Assembly resolution 55/217.

We would also like to emphasize the importance of judicial mechanisms in the prevention and resolution of legal disputes. In our view, early and more frequent resort to these mechanisms, in particular the International Court of Justice and the International Tribunal for the Law of the Sea, would greatly contribute to the maintenance of international peace and security and the promotion of the primacy of international law in international relations.

The European Union wishes to underline the primary role of the Security Council, in accordance with the Charter, in the area of the peaceful settlement of disputes or any situation the continuation of which is likely to endanger international peace and security. In this connection, we would like to stress the obligation of States, in accordance with the Charter, to refer to the Council a dispute to which they are parties if they fail to reach an early solution by any of the means indicated in Article 33 of the Charter.

In the report entitled "An Agenda for Peace: preventive diplomacy, peacemaking and peacekeeping", the Security Council was urged to take full advantage of the opportunities provided for by the Charter in order to recommend appropriate procedures or methods for dispute settlement and to make recommendations to parties for the pacific settlement of disputes. We fully support that recommendation, which is also in line with Article 36 of the Charter.

We are also of the view that the Security Council should act without delay, in accordance with its

functions and powers, particularly in cases where international disputes develop into armed conflict.

The Security Council should also emphasize the importance of the peaceful settlement of internal conflicts, the number of which has increased significantly during the past decade.

The European Union considers the role of the General Assembly in relation to the peaceful settlement of disputes to be important, in particular in developing recommendations, as appropriate, or calling the attention of the Security Council to situations that are likely to endanger international peace and security. We think that the Assembly should make the most effective use of its relevant competences under the Charter.

We also believe that the Secretary-General is entrusted with important responsibilities in relation to the peaceful settlement of disputes. We commend him for his activities already deployed in this area, and we urge him to continue to make full use of those responsibilities, particularly by bringing to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

The European Union is of the view that preventive diplomacy and early warning can prevent the emergence and escalation of disputes, and it wishes to underline the important role played in this respect by the Security Council, the General Assembly and the Secretary-General. We are convinced that those bodies should continue to play that role and should further enhance it.

Likewise, we support the declarations and resolutions of the General Assembly concerning dispute prevention that call for strengthening the capacity of the United Nations to respond effectively and efficiently in matters relating to dispute prevention, including through strengthening cooperative mechanisms for information-sharing, planning and developing a comprehensive plan for a revived early-warning and prevention system for the United Nations; training intended to support such enhanced capabilities in these areas; and cooperation with regional organizations.

The European Union is also of the view that regional arrangements and agencies also play an important role in the peaceful settlement of local disputes and in the prevention and elimination of such disputes. Some of these regional arrangements have elaborated significant political and legal instruments providing for mechanisms for the peaceful resolution of disputes. The European Union urges States parties to such arrangements or members of such agencies to try to achieve the pacific settlement of their disputes through such mechanisms, in accordance with Articles 33 and 52 of the Charter.

Finally, the European Union believes that there is a need to increase regional responses to local disputes by strengthening the dispute-settlement mechanisms and capacities of regional arrangements and agencies. In this respect, greater cooperation and coordination with the United Nations will benefit both and will contribute to lasting peace and security.

The President: The next speaker inscribed on my list is the representative of Honduras. I invite him to take a seat at the Council table and to make his statement.

Mr. Acosta Bonilla (Honduras) (*spoke in Spanish*): I am pleased to see you, Sir, presiding over this important Security Council meeting.

The international community has placed its hope in the United Nations and firmly believes in its conciliatory and peaceful role. It also believes that that is a fundamental factor for the economic development and well-being of our peoples. Security, peace and economic development constitute the triple equation that sustains the peoples of the Earth. What can a country hope for without internal or international security? How can we work towards economic development if there is no security? Economic, social and cultural development cannot be achieved if valuable resources are spent on ensuring internal and international stability while education, food, health and infrastructure programmes are postponed.

That observation leads us to acknowledge the importance of this open meeting of the Security Council. New challenges threaten world peace and are the impetus to unite the world's efforts and resources to meet them. Terrorism and drug trafficking are a tremendous threat to humankind and, together with the spread of pandemics, could lead to the destruction of broad social sectors in all parts of the world. Hunger, AIDS, malaria and, recently, SARS — the severe acute respiratory syndrome: each alone could decimate the population of the planet.

We must make rational use of our collective resources in order to meet those enormous challenges. To do that, we must strengthen the role of the United Nations, in particular the Security Council. Bolstering and enhancing our Organization, reviewing its working methods and bringing together mechanisms that can enable the Organization to work efficiently is an essential task that will allow us to resolve, together, the enormous challenges threatening humankind now and in the future.

The Honduran people faithfully comply with international law. Our national constitution is an expression of our commitment to peace. We have therefore signed all instruments relating to the peaceful settlement of international disputes, and we recognize unreservedly the jurisdiction of the International Court of Justice and abide solemnly by its decisions. Furthermore, we trust in the Security Council as a guarantor for carrying out the sentences handed down by international justice bodies. Peace, security and development at both the international and national levels will be thwarted if there is no consensus in the Council and if we cannot guarantee compliance with the sentences imposed by the International Court of Justice or one of the main international tribunals that have been created.

The Council must solemnly voice its opinion on this issue and fully support the decisions of the International Court of Justice and other world legal forums. A more active diplomacy on the part of the Secretary-General, a greater capacity for analysis and the proper use of resources available to the specialized agencies of the United Nations can make a substantive contribution to the prevention of possible conflicts, as the reports of the Secretary-General to the Security Council must reflect in a timely fashion the information available on possible inter-State and intra-State conflicts that fall within the purview of the United Nations. That mechanism can be more effective if the Council, when it is informed of a potential conflict, were to invite the parties to a meeting of special consultations in order to recommend or promote an early solution to the conflict.

The Honduran people place our trust in the procedures of international organizations for the settlement of international conflicts and for facing the major challenges facing humankind. That is why we support our world Organization and ask for all countries' respect and support for the functioning of the Organization and implementation of and compliance with its resolutions.

In the twenty-first century, the men and women living on this small planet are committed to eradicating the major calamities facing humankind — wars, hunger, slavery and disease — in order to achieve a full life allowing for unlimited material well-being and spiritual development for all people. That goal is within our reach. The process must be led by the Security Council.

The President: The next speaker inscribed on my list is the representative of India. I invite him to take a seat at the Council table and to make his statement.

Mr. Nambiar (India): Let me begin by congratulating Pakistan and you personally, Sir, on your assumption of the presidency of the Security Council for the month of May 2003. We were happy to have His Excellency Mr. Khurshid Kasuri, Minister for Foreign Affairs of Pakistan, in our midst this morning at this Council meeting dedicated specifically to a subject of your choice. I also take this opportunity to congratulate Mexico on its handling of the presidency of the Council last month.

The subject for consideration by the Council today is the peaceful settlement of disputes. The faith of nations in this world body is embedded in the collective commitment of its Members to the purposes and principles of the Charter of the United Nations. The maintenance of international peace and security is the principal purpose of the Charter and involves the prevention and removal of threats to the peace, as well as the suppression of acts of aggression. Equally, the emphasis upon bringing about the adjustment or settlement, by pacific means and in conformity with the principles of justice and international law, of international disputes or situations that might lead to a breach of the peace is no less prominent a purpose. Indeed, together they constitute the very first purpose of the United Nations under Article 1, paragraph 1, of the Charter. More than 50 years ago, speaking before the United Nations, Prime Minister Jawaharlal Nehru declared:

> "This Assembly took shape after two mighty wars and as a consequence of those wars. ... The lesson of history, the long course of history, and more especially the lesson of the last great wars which have devastated humanity, has been that out of hatred and violence only hatred and violence will

> come. We have got into a cycle of hatred and violence, and not the most brilliant debate will get us out of it, unless we look some other way and find some other means. It is obvious that if [we] continue in this cycle and have wars which this Assembly was especially meant to avoid and prevent, the result will not only be tremendous devastation all over the world but the non-achievement by any individual Power or group of its objective." (*A/PV.154, pp. 16-17*)

Every nation, big or small, strives for a basic modicum of stability in its domestic and international environment in order to enable it to pursue its own national objectives. Every nation thus has a legitimate interest in matters of peace and war and must shoulder its responsibility to ensure that end. Where disputes between States or situations between States that might endanger international peace and security arise, it is incumbent upon those States to settle them by peaceful means. Article 2, paragraph 3, of the Charter specifically enjoins this upon all Member States. Where the United Nations has a role and relevance, its efforts should be welcomed. A basic premise of the pacific settlement of disputes relates to the provision under the Charter calling on all Member States to first resort to peaceful means in settling disputes that threaten the maintenance of international peace and security. The opening article of Chapter VI, Article 33, paragraph 1, makes it clear that the parties to any dispute likely to endanger the maintenance of international peace and security

> "shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangement, or other peaceful means of their own choice."

The Charter establishes no hierarchy among the various means enumerated therein.

A cursory look at Chapter VI shows that it concerns only those disputes that endanger the maintenance of international peace and security. Not all disputes that affect States or exist between States are covered. While it needs to be recognized that the Security Council and the General Assembly have in the normal course rarely refused to admit a question for failing to fulfil the clause "likely to endanger the maintenance of international peace and security" and have chosen to interpret this Article liberally, they have generally adopted a flexible and pragmatic approach, one that has been based on a recognition of the political realities on the ground rather than on purely legalistic approaches.

Evidently, the means provided for in Article 33 are not intended to be exhaustive. The reference to "other peaceful means of their choice" was clearly added to provide the parties with greater freedom of choice. The drafters desired action by the Organization only as a last resort, with the onus left upon the parties to settle disputes peacefully among themselves either directly, through the means listed in the Article, or through resort to regional organizations if need be.

The idea that local disputes should be solved locally seems to have been favoured by the drafters. Even where the Council or the Assembly has taken up consideration of a situation or question, the primary responsibility for settlement remains with the parties themselves. Article 36, paragraph 2, requires the Council to take into consideration the existence of agreements between the parties for the pacific settlement of disputes and the procedures adopted by the parties prior to requesting the Council to take up the issue. Given this primary responsibility resting with the parties to settle their differences or disputes between themselves, the competence of the United Nations organs is only subsidiary. Likewise, the measures outlined in Chapter VI are non-coercive and possess no legally binding character beyond what has been accepted by parties and within the terms of their own understanding of such acceptance of commitment.

How far does the power of the Security Council under Chapter VI extend? It is pertinent to note that Article 33 requires the Council, when it deems necessary, to call upon the parties to settle their disputes by peaceful methods; but the choice of means of settlement by parties, strictly construed, should entail that the parties are bound no further than to engage their best efforts to find a peaceful solution. The requirements of specific results are not indicated.

The Council's power to investigate in order to decide whether a dispute or a situation requires its attention or whether it constitutes an independent basis of action is derived from Article 34. While invocation of that Article has in specific instances constituted the preconditions calling upon the parties under Article 33, paragraph 2, or for making recommendations under Article 36 or Article 37, paragraph 2, this Article has

also been used to determine whether or not a dispute or situation actually does endanger international peace and security.

Article 36 gives the Council power to recommend appropriate procedures or methods of adjustment for situations brought before it. The procedure recommended in Article 36 should take into consideration any procedure for the settlement of disputes that has already been adopted by the parties. But in the choice of procedures under this Article, the Council is not bound by the list included in Article 33, paragraph 1. The Council may devise new methods or suggest a combination of existing procedures, coupled with its recommendations for a particular procedure, with advice that the parties should consider other suitable methods. The distinction between the appropriate procedures or methods of adjustment that can be recommended by the Council and the terms of settlement that can be recommended by the Council under Article 37 is not always clear.

For its part, the General Assembly has over the years attempted to enhance the effectiveness of the peaceful settlement of disputes between States through its own resolutions and declarations. The Manila Declaration on the Peaceful Settlement of International Disputes, of 15 November 1982 (resolution 37/10), and Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field, of 5 December 1988 (resolution 43/51), are important in this respect. An examination of these resolutions and declarations indicates that they relate to the settlement of all disputes and are not confined only to the disputes referred to in Chapter VI of the Charter.

These resolutions and declarations, furthermore, reiterate the right of all States to resort to peaceful means of their own choice for the prevention and removal of disputes or situations, which is central to the pacific settlement of disputes in the following manner. In seeking a peaceful settlement the party shall agree on such peaceful means as may be appropriate to the circumstances of the States and the nature of the dispute. In the event of a failure of the parties to reach an early solution by means specified in the Charter, the parties should continue to seek a peaceful solution and consult forthwith on mutually agreed means to settle the dispute peacefully.

A further important element insisted upon in these declarations is that States should, in accordance with international law, implement in good faith all the provisions and agreements concluded by them for the settlement of disputes affecting them. Resolutions adopted by the General Assembly in that regard may suggest the use of various means at its disposal. Where cases arise of the Secretary-General making use of fact-finding capabilities relating to a dispute or a situation, they are to be pursued only with the express consent of the State or States concerned.

The path of negotiation is seen by many distinguished jurists as the most preferable method of dispute settlement. First, since the resolution of the dispute is by mutual consent, often arrived at after a kind of bargaining that involves elements of give and take, there is a greater probability of the parties carrying out the agreement faithfully. Secondly, if government by consent expresses the spirit of democracy, then the diplomacy of bilateral negotiations is nearest to that spirit. Thirdly, arbitration and judicial settlement are essentially zero-sum games. By contrast, in bilateral diplomacy each party seeks to get something it desires, with the total pay-off becoming a variable sum that provides each side scope for maximizing that sum — in other words, the process of bilateral negotiation would be more likely to lead to a win-win situation for both the parties. Fourthly, an imposed solution to a dispute is likely to be reopened by the party that feels aggrieved or feels that it was compelled at the time of settlement, thus proving to be no real settlement at all.

A decade ago, the report of the Secretary-General entitled "An Agenda for Peace" (S/24111)stated that if conflicts had gone unresolved in the past, it was not because techniques for peaceful settlement were unknown or inadequate. The fault lay first in the lack of political will of parties to seek a solution to their differences through such means as are suggested in Chapter VI of the Charter and, secondly, in the lack of leverage at the disposal of a third party if that was the procedure chosen. Each party tends to seek a better solution than what it had been called upon to accept. A third party might not find a reason to use the leverage it has for the settlement of the particular dispute. Where it has, the development of a different order of vested interests cannot be ruled out.

Some disputes, given their specific character and complexity, may not be amenable to resolution

according to any pre-set time schedule. It is true that, apart from the danger of the eruption of violence because of an unresolved dispute, an unresolved conflict relating to resources might stand in the way of exploitation of the resources for the benefit of the community. If the dispute related to a territory under colonial occupation or alien domination, non-resolution would place the people concerned in a condition of uncertainty or prolong their travails or sufferings. However, its indiscriminate applicability to situations of irredentist, secessionist or other political movements within independent States with composite populations of different ethnic and religious persuasions can be extremely risky, even destabilizing. This could be even more serious when such movements are externally inspired or assisted.

In a world where the indispensability of the sovereign State as the fundamental political unit of the international community is still vigorously reaffirmed, the perceptions by States of their territorial integrity and the essential values undergirding their respective political structures are bound to rank as the utmost priority. This will admit little compromise.

Against this background, we would commend the emphasis placed by the Manila Declaration on the obligation of States to settle international disputes on the basis of the sovereign equality of States and in accordance with the principle of free choice of means, thus incorporating one of the basic principles of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV)). In particular, the Declaration on Friendly Relations states that any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State or country or at its political independence is incompatible with the purposes and principles of the Charter.

No State can permit aggression against its own territory. Nothing in the Charter can impair the inherent right of each Member State to take all necessary measures for its self-defence if there is an armed attack against it. This is equally true if a State is subjected to a continuous low-intensity proxy war through infiltration, cross-border terrorism or other means using force. Where Member States have agreed to implement resolutions of the United Nations, they are justified in expecting such implementation to be complete and in the sequence agreed to without emasculation, revision or reinterpretation. Where attempts are made to apply such resolutions selectively or in a partial, self-serving manner, they have obviously not worked, but have only served to subvert the original spirit of these resolutions. In some cases, over time their subtext has changed and they have proved obsolete, defunct or overtaken by events on the ground.

India's experience with the working of the United Nations has been sufficiently long and educative for us to remain vigilant of the threats, pressures and blandishments that have been exerted upon us during various periods of our history in the guise of furthering the pacific settlement of disputes affecting us. Our stance has been consistent and principled. We have not been deterred by the temporary approbation or opprobrium of the members of this body or other bodies of this Organization, despite our abiding respect for it. We remain confident that we retain the understanding, sympathy and support of its broader membership in our overall stance. For the rest, we are fully conscious of being able to summon the firmness and resilience needed to safeguard our national interests. We are also aware that, more than anything, we need to remain continuously responsive to and reflective of the needs and aspirations of our peoples as expressed through our own democratic institutions.

It is our view that the democratic norm provides the best possible means to address discontent within societies and disputes between them. Respect for pluralism and diversity is fundamental to that approach. A society that promotes democratic norms and respect for tolerance is better placed to address disputes than one that lacks those values. Democratic societies are far less prone to extremist ideologies based on conflict, violence or militarism. They are also less inclined to wage wars. Periodic elections that make political leaders accountable to parliaments and to voters act as a regular check against any predisposition to policies of military adventurism.

As Prime Minister Vajpayee said recently,

> "If the twentieth century saw the global growth of democracy, the new century should see its further expansion and enrichment. Especially, we should develop democracy as an effective instrument for fulfilling people's aspirations and resolving conflicts and contentious issues.

> History has proved time and again that free and democratic societies are the ones that are creative, self-corrective and self-regenerative."

I wish to conclude by returning to the speech to which I referred in the beginning of my statement, in which Prime Minister Nehru of India declared that he had no fear of the future. He went on to say,

> "... if we banish this fear [of the future], if we place confidence, even though we may take risks [of trust], rather than to risk violent language, violent actions and in the end war, I think those risks are worth taking." (*A/PV.154, p. 22*)

The President: I thank the representative of India for his kind words.

The next speaker inscribed on my list is the representative of Azerbaijan. I invite him to take a seat at the Council table and to make his statement.

Mr. Aliyev (Azerbaijan): I should like to join previous speakers in thanking you, Mr. President, for convening this special meeting. I am certain that its topic is of great importance to all Member States, and I should particularly like to take this opportunity to thank the presidency for its efforts to explore more fully the Security Council's capacity for promoting the pacific settlement of disputes.

I believe that each of us is motivated by the objective of strengthening the primary role of the Security Council so that it may fully and effectively discharge its responsibilities under the Charter of the United Nations, in the area of the settlement of disputes or of any situation whose continuance is likely to endanger the maintenance of international peace and security. Otherwise, an inability on the Council's part to peacefully manage disputes would lead us to a world order where force was the only or the preferred option. Therefore, I sincerely believe that the peaceful settlement of disputes remains the ultimate, albeit difficult, aim of any attempt to strengthen international security.

Theoretically, the end of the cold war and numerous manifestations of cooperative relations among the major Powers, on the one hand, and the collapse of the Soviet Union and the emergence of a number of conflict-torn States, on the other, should have provided the Security Council with new opportunities to carry out the primary role in the peaceful settlement of disputes, as new Member States have asked it to do. Here, it is relevant to emphasize that Chapter VI of the Charter of the United Nations sets forth a comprehensive list of peaceful means for the pacific settlement of disputes.

Although the romanticism and great expectations that the new fledgling democracies enjoyed upon their admission have largely disappeared, Azerbaijan continues to believe that the United Nations — as the only universal Organization contributing to a comprehensive value system aimed at the maintenance of peace and stability — and its institutions have played and continue to play an important role in building a new security architecture.

In the meantime, we must be honest in acknowledging a number of serious deficiencies — and sometimes even failures — of the Security Council. First and foremost, the Council has not always been successful and consistent in implementing its own resolutions, especially with regard to conflict settlement. One need only take a quick look at the situation surrounding the conflict in and around the Nagorny Karabakh region of Azerbaijan, where a lack of implementation of Council resolutions has had a dreadful impact on the settlement process. One fifth of my country's territory remains under Armenian occupation. An entire generation of victims of the conflict has grown up in the numerous refugee camps in Azerbaijan. Their unbearable pain and deep frustration can hardly be ignored, either domestically or internationally.

Only two weeks ago, we commemorated the tenth anniversary of resolution 822 (1993), adopted by the Security Council on 30 April 1993, condemning the occupation of the Azerbaijani district of Kelbadjar by the Armenian armed forces. Neither that resolution nor three subsequent ones demanding the immediate, unconditional and full withdrawal of the Armenian armed forces from the occupied territories of Azerbaijan have been implemented. Unfortunately, they remain dead letters. Armenia's flagrant, decade-long violation of Security Council resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993) was a primary concern of the recent identical letters from the Foreign Minister of Azerbaijan, Mr. Vilayat Guliyev, addressed to the Secretary-General and to the President of the Security Council and contained in document S/2003/528.

Similarly, we are concerned that, despite the fact that resolution 884 (1993), in operative paragraph 8, requests

> "... the Secretary-General, the Chairman-in-Office of the Conference on Security and Cooperation in Europe (CSCE) and the Chairman of the CSCE Minsk Conference [to] continue to report to the Council on the progress of the Minsk process and on all aspects of the situation on the ground ... and on present and future cooperation between the CSCE and the United Nations in this regard",

none of those institutions has ever reported to the Security Council on the matter in question. I should like to take this opportunity to rectify the situation by informing Council members of the fact that the Minsk process will not result in any progress until Armenia ceases to view itself as something beyond the framework of international law and stops trying to achieve a forceful solution of the conflict on the basis of a fait accompli.

Nor will progress be achieved through the mediators' efforts, which are not based on an international legal framework for the settlement. This is another concern that, I believe, merits consideration by the Security Council and has direct bearing on the settlement process. The Council should be more resolute and should ensure that the mediators' activity does not go beyond the universally recognized norms and principles of international law.

With respect to the issue of fostering mutual confidence between Armenia and Azerbaijan, so actively endorsed by the mediators, allow me to stress that nothing other than the liberation of the occupied Azerbaijani territories will restore my country's confidence in Armenia.

The continuation of the conflict threatens not only the security of my country, but also that of the whole region and that of all of Europe. The situation demands principled approaches and actions on the part of the international community. Impartiality with regard to the settlement process has nothing to do with the wait-and-see policy taken by the Security Council. It is of paramount importance that the Council stand for strict observance of its resolutions by all United Nations Member States. My delegation is strongly convinced that inconsistency in upholding its resolutions is absolutely inadmissible for and detrimental to the prestige of the United Nations organ primarily responsible for the maintenance of international peace and security. There is no expiration date for the Security Council's resolutions until they are implemented. Therefore, I reiterate our appeal to the Security Council to insist on the implementation of its resolutions regarding the conflict in and around the Nagorny Karabakh region of the Republic of Azerbaijan as an unaccomplished task of its own agenda.

Azerbaijan remains committed to the peaceful settlement of this protracted conflict based on full respect for the norms and principles of international law, full implementation of the relevant Security Council resolutions and the appropriate documents and decisions of the Organization for Security and Cooperation in Europe. But one need be under no illusions: compromises on our side will never compromise our territorial integrity.

In conclusion, I wish to emphasize that all the foregoing proves the necessity of the serious engagement of the broader United Nations membership in the process of strengthening the Security Council's role in the peaceful settlement of disputes. The United Nations Charter offers vast possibilities for action by the Security Council to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to contain and resolve conflicts when they occur.

We are grateful to the Pakistani presidency for its important initiative and hope that today's deliberations will make a tangible contribution to the matter in question.

The President: I thank the representative of Azerbaijan for his kind words.

The next speaker inscribed on my list is the representative of Colombia. I invite him to take a seat at the Council table and to make his statement.

Mr. Giraldo (Colombia) (*spoke in Spanish*): Let me begin by congratulating you, Sir, on your assumption of the presidency of the Security Council. I also welcome your initiative to organize this event.

I also congratulate Mexico for its handling of the presidency of the Council last month.

As stated by the President in the document distributed on the topic, the United Nations Charter

offers the Security Council vast possibilities of action to prevent disputes from arising between parties, to preclude disputes from escalating into conflicts and to contain and resolve conflicts when they occur. These possibilities, provided for in Chapter VI of the Charter, are complemented by the competences given to the General Assembly in Articles 11 and 12 and to the Secretary-General in Article 99, as well as by the three resolutions of the General Assembly mentioned by the President in his document.

Colombia, which has based its international policy on the full respect and promotion of the principles and purposes consecrated in the United Nations Charter, grants particular importance to the pacific prevention of disputes based on the principles of the sovereign equality of States, non-intervention, good faith and the spirit of cooperation. In seeking a prompt and fair settlement of a dispute, we prefer direct negotiations as an efficient and flexible means, but we recognize that States have the right to choose freely from other legitimate ways that they may consider more appropriate.

The Charter of the United Nations and the 1982 Manila Declaration on the Peaceful Settlement of International Disputes refer only to the pacific settlement of international disputes — in other words, between States — and to the prevention of international conflicts. Nowadays, the world in general and the United Nations in particular are concerned with internal conflicts in many States. In this regard, it has also been acknowledged that it is the affected State's fundamental responsibility to prevent and eliminate disputes and conflicts and that any activity undertaken by United Nations organs must be at that State's request. Because many of these conflicts evolve in circumstances of an international and transnational nature, the principle of international cooperation in the resolution of such conflicts at the regional and global levels acquires particular importance.

Colombia would call the attention of this Council and of the international community to the external factors that affect many of the internal armed conflicts that exist throughout the world. Such factors require the commitment and cooperation of all States and international institutions, starting with the United Nations. The role of diamonds in the financing of armed conflict in Africa has been well recognized. Many important mechanisms have been created to monitor the international trade in diamonds and to prevent its profits from fuelling the conflict.

In the same way, it is necessary to recognize the role of the illicit drug trade, a criminal transnational activity, and related crimes in the funding of internal armed conflicts. A terrible alliance has been forged between drug traffickers and illegal armed groups that finance themselves through such activities. The weapons and explosives by which these groups spread death are negotiated for and acquired externally. They are paid for using international banking accounts fattened by the drug trade. The chemical precursors indispensable to fabricate illicit drugs continue to reach countries in conflict without any appreciable control.

All of these external elements not only fuel such internal armed conflicts, but also increase the violation of human rights, a crucial topic for the United Nations and other international organizations, as well as for many Member States.

In resolution 44/21, the General Assembly

> "Encourages Member States to consult and cooperate within the framework of the United Nations, the Security Council, the General Assembly and their appropriate subsidiary bodies in order to find multifaceted approaches to implement and strengthen the principles and the system of international peace, security and international cooperation laid down in the Charter." (*resolution 44/21, para. 3*)

The issue of external factors that fuel internal conflicts deserves such an approach, which demands the action of States and of international and regional organizations.

Now that the need to address the global illicit drug problem has been recognized, that approach has to be based on the principle of shared responsibility. In sound logic, if an internal conflict is financed by the drug trade, the consumers of illicit drugs should share the responsibility for that conflict and of the violations of human rights and of international humanitarian law that occur in it. I must insist on that point. That is why the international community is overdue in initiating effective cooperation on this issue. Such cooperation, in the framework of the United Nations, would set a course and guide the international community in its efforts to support peoples and States that work to maintain the lofty principles of this Organization and

that struggle daily for the protection of the dignity of human beings.

The President: The next speaker inscribed on my list is the representative of Indonesia. I invite him to take a seat at the Council table and to make his statement.

Mr. Wardono (Indonesia): My delegation would like to congratulate the delegation of pakistan on its assumption of the presidency of the Security Council for the month of May and on having convened this important meeting. It is our sincere hope that, through your leadership and esteemed guidance, Mr. President, the Council will carry out its tasks successfully and make a concrete contribution to the critical issues on its agenda.

We also wish to take this opportunity to express our appreciation to the Secretary-General, Mr. Kofi Annan, as well as to Sir Brian Urquhart, Ambassador Jamsheed Marker and Mr. Nabil Elaraby for the insightful and enriching observations they made this morning on the topic under consideration today.

The delegation of Indonesia considers it an honour to participate in this debate on the role of the Security Council in the pacific settlement of disputes. This discussion comes at a time when the credibility of the Council and its responsibility for the maintenance of international peace and security continue to generate intense debate within the international community. Thus, the Council's role in the pacific settlement of disputes forms part of a broader and deeper intellectual, diplomatic and political exercise of practical concern to the peoples of the world.

As is well known, the Security Council often relies on various chapters of the Charter in order to fulfil its responsibilities for international peace and security. In the settlement of disputes, it relies on the powers accorded it in Chapters VI and VII of the Charter. These confer authority on the United Nations to conduct preventive and enforcement measures for the purpose of maintaining international peace and security.

Under Chapter VI of the Charter, the Council enjoys both investigative and recommendatory powers. It is empowered to investigate disputes with a view to ascertaining whether or not their continuance is likely to endanger the maintenance of international peace and security, and to make recommendations for the appropriate terms of a settlement. It is also empowered to call upon the parties involved to settle their disputes by peaceful means and to encourage the development of the pacific settlement of disputes through regional arrangements or by regional agencies.

If we were to consider the broad sweep of history, it would be safe to say that, despite all the flashpoints of conflict that we have experienced at the international level since the end of the Second World War, we would see that the world is, indeed, a safer, more secure place today. The world is further away from war than it was when the Charter was authored by the founding fathers of the United Nations in San Francisco in 1945. The Security Council can take some consolation from that favourable development.

In my delegation's view, such relative peace and security has a good deal to do with the work of the United Nations and with the approach taken by Member States to the determination to save the world from the scourge of war, so eloquently expressed in the Charter. In that connection, the work of the Security Council has been critical, and its work has been given a political foothold and legal authority through the provisions of Chapter VI.

It is now widely acknowledged internationally and politically that development is the flip side of the coin of peace. In the view of my delegation, in every situation — non-conflict, conflict or post-conflict — the currency with the greatest impact is the currency of development. Unless there is development, there can be no justice — and injustice, in turn, is always certain to unravel what amounts only to false peace.

It is also important for the Security Council to fulfil its Charter obligations by being conscious of these imperatives and by being guided by them. Investigations and interventions by the Council can influence law and governance beyond the immediate arena of the United Nations. Thus, it cannot afford to treat them with a sense of levity. Resolutions and statements by the Council must be indexed according to the spirit and letter of the Charter, and must offer the highest assurances of justice to the parties to a dispute.

In this regard, the evolution of international legal arrangements has continued. In 1982, for instance, the General Assembly, in helping to enhance the effectiveness of the role of the Security Council in the peaceful settlement of disputes, adopted the Manila Declaration on the Peaceful Settlement of International

Disputes. In it, the General Assembly called upon Member States to

> "strengthen the primary role of the Security Council so that it may fully and effectively discharge its responsibilities, in accordance with the Charter of the United Nations, in the area of the settlement of disputes or of any situation the continuance of which is likely to endanger the maintenance of international peace and security." (*General Assembly resolution 37/10, annex*)

The principles of the Manila Declaration were further elaborated in 1988, in the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field; and in the 1991 Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security. In this regard, an important area of concern and emphasis in these developments has been the balance between the right of States to settle their disputes on the basis of the principle of free choice of the means towards that end, and the Security Council's responsibility concerning pacific settlement.

Unfortunately, it can hardly be said that the Council has always maintained the highest standards with regard to these or other responsibilities or that it has lived up to these high ideals. There have been instances when parties to a dispute or Member States of the United Nations have pointed accusing fingers at the Council for what were perceived as double standards or disparities in its response to a variety of situations. No case can rise beyond the confidence that the character of its presiding judge brings to it, and in the pacific resolution of disputes it is critical that the impartiality of the judge be beyond reproach or dispute to begin with; that is a basic requirement.

Before concluding, I would like to say that it must also be remembered that the broader issue of Security Council reform remains before this body and the wider membership of the United Nations. In our view, these issues can be taken either separately or together — but they must be addressed. Thus, the United Nations must demonstrate an ability to speak with one voice, to work together and to abide by agreed principles.

The President: The next speaker on my list is the representative of Ethiopia. I invite him to take a seat at the Council table and to make his statement.

Mr. Hussein (Ethiopia): First, I would like to congratulate you, Sir, on your assumption of the presidency of the Council for the month of May and also to extend a special thanks to the Pakistani presidency for convening this meeting. As well, we are very fortunate to have three eminent experts and personalities with us this morning and this afternoon.

The issue we are discussing today is of vital importance to the United Nations and to the international community in general. Under the Charter, the pacific settlement of disputes is one of the major functions of the United Nations. It has always been so, and I hope it will remain so, at least for the foreseeable future. Hence, the discussion of this topic today is of absolute necessity and very timely.

As we all know, the Secretary-General is given the responsibility, under Article 99 of the Charter, to bring to the attention of the Council issues pertaining to international peace and security. Of course, the Council remains the guardian of international peace and security.

Over the last decade alone, we have witnessed all-out wars consuming tens of thousands of lives. We have witnessed acts of genocide. We have seen minor misunderstandings degenerate into large-scale wars. I know I am not raising new questions. But some questions need to be raised again and again until we find suitable answers for them.

What went wrong? Have we fared any better since the establishment of the United Nations, in terms of preventing conflicts? Could we not have done better? Could we not have prevented, for example, the genocide in Rwanda? Could we prevent the continuing, I would say, slaughter of civilians that is going on right now in the Democratic Republic of the Congo? The list is long. No one can deny that the United Nations system has made a significant contribution in all areas that fall under its mandate. But it is difficult to give an affirmative answer to the aforementioned questions. Neither can one fully defend the suggestion that the United Nations and the Security Council have found it to be beyond their capacity to contain or help contain those situations that sometimes shamed humanity.

I do not want to repeat what has been eloquently stated by those who spoke before me. That is why I do not have a printed statement. I had to rewrite my statement here. There is a Somali saying in the Horn of Africa: you do not speak because you have not spoken, but only because there is something that has been left unsaid. I hope that what I have to say now is something that was not said. If it has been said, then I may have not been listening, which I hope is not the case.

I would like to raise a few points. Many speakers before me have cited the importance of settling disputes by peaceful means, as is stipulated under Chapter VI. There is nothing more desirable than the peaceful settlement of disputes. My country, as a founding Member of the United Nations, subscribes to that very strongly. But what happens when States and organizations in inter-State conflict ignore what is in Chapter VI? Moreover, in disputes within States, a party to a conflict may also act other than as it should. What should be done in such cases? The Brahimi report responded to that when it recommended calling a spade a spade. I am sure that at least two of our distinguished personalities here have also spoken about this. We should therefore point our finger at the culprit or culprits and take appropriate action.

We in Ethiopia know only too well that the international institutions charged with maintaining peace and security have not always acted to maintain collective security. In the mid-1930s the predecessor to the United Nations, the League of Nations, failed to take action against Mussolini when he invaded my country. It is on record that the Emperor at that time said in Geneva: Today it is Ethiopia, tomorrow it will be you if you do not take action. What happened? We were a member of the League of Nations, too. Justice was not done. Sanctions were imposed on both Ethiopia and Mussolini's Italy at that time. Ethiopia was again subject to a similar — I would say — invasion more recently. I will not go into the details of that.

In 1990, Kuwait was invaded. Although the aggressors were booted out by the international community under United Nations leadership, the Iraqi leadership that perpetrated that aggression was never made accountable until recently, under different circumstances.

I am citing the above cases to underline the fact that the international community, in particular the Security Council, must act in time, in unison and resolutely to ensure that the pacific settlement of those disputes prevails. If those who prefer the peaceful and legal route and those who flout international law and legality are treated in the same way, no matter how great our desire for peace, disputes in those circumstances will not be settled peacefully, despite our wishes and despite all the resolutions we may adopt. But peace would be enhanced if the Security Council took appropriate and timely measures against those who flout international legality and the peaceful route.

Peace will also be enhanced if the Security Council continues to vigorously encourage and support regional organizations, which can play an important role in the pacific settlement of disputes because of their geographical and political proximity to particular conflicts. For example, in the case of Africa, the Intergovernmental Authority on Development, under the African Union, has been working to settle the dispute in the Sudan. There are very good prospects that, hopefully by early next year at the latest, there will be a settlement of that long dispute, which has resulted in the death of more than 2 million civilians.

With respect to the conflict in Somalia, peace would be enhanced if the Security Council encouraged the role of grass-roots civic organizations in keeping with the multi-track approach to the peaceful settlement of disputes in both inter-State and intra-State conflicts.

There is also the growing and expanding role of media and communication technologies — which, if used in a balanced way, would also facilitate early efforts at peacemaking. We know that, in cases where that is not done, the media sometimes can in fact contribute to lengthening, and giving a wrong picture of, conflicts. In fact, by not talking about conflicts at all the media can also contribute to obscuring the fact that conflicts are arising in some parts of the world. That is also particularly the case in Africa, as well as, of course, in cases where the interests of big countries and Powers are not directly involved.

As we know, those who are, for example, perpetuating the conflicts in the Democratic Republic of the Congo and Burundi could be very easily dealt with. We could also have easily dealt with those who were perpetuating the conflict in Angola when we knew that there was a party to that conflict that refused

to accept what was agreed upon. Because the Security Council and the international community did not act, that conflict was lengthened, and hence the problems in that part of Africa.

Finally, I would like to speak about the role of the Secretary-General, who is perceived as neutral, in carrying out personal mediation efforts or in dispatching, as he sometimes does, his special representatives, envoys and so-called friends of the Secretary-General. That practice should continue to be strengthened and supported by the Council, which is not the case in some situations. We must mention — and this is a matter of record — that the Council does not in fact support the Secretary-General in this area.

My delegation is a firm believer in strengthening the world body that is the United Nations. It is for that reason that we will also not shy away from pointing out weaknesses and from sometimes making what we believe to be constructive criticisms.

The President: I thank the representative of Ethiopia for his kind words addressed to me.

The next speaker inscribed on my list is the representative of Armenia. I invite her to take a seat at the Council table and to make her statement.

Ms. Davtyan (Armenia): At the outset, my delegation would like to congratulate Pakistan on its assumption of its duties as President of the Security Council. We would also like to congratulate Mexico on its successful completion of its presidency. Lastly, we would like to thank the delegation of Pakistan for organizing this very important meeting. We believe that this is an interesting and thought-provoking discussion that provides a good opportunity to once again pause and reflect upon the ever-important matters of international security and the peaceful settlement of disputes.

In order to reach the noble objective of the peaceful coexistence of nations, vigorous action at the bilateral, regional and multilateral levels should be pursued. Certainly, the Security Council has the primary responsibility for the maintenance of international peace and security, as conferred upon it by the Charter of the United Nations. While modern threats to international peace and security are taking new shapes and forms, in its responses to various conflicts the Security Council should also make an effort, to the extent possible, to reflect the legal and historic aspects of conflicts. That could further enhance the effectiveness of the implementation of Security Council resolutions.

We would also like to emphasise the role of the Security Council under Chapter VIII to encourage the pacific settlement of disputes through regional arrangements and agencies. We believe that such organizations are better placed and equipped to respond to particular disputes, and that they can contribute to the activities of the Security Council to that end.

The Charter of the United Nations reaffirms our collective faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small. Indeed, this is what must be put at the core of our policies in order for us to succeed in our common struggle for peace and security in the world. This can be achieved by addressing the root causes of conflict, by promoting economic, social and cultural development and by ensuring universal respect for, and effective enjoyment of, human rights by all, including the right of peoples to self-determination. In this regard, one cannot fail to recall the very crucial role that the United Nations, and the Security Council in particular, played in realizing one of its success stories, the case of Timor-Leste.

Unfortunately, we in our region must also struggle to resolve conflicts and ensure peace and security. The conflict in Nagorny Karabakh was not the result of armed aggression, as Azerbaijan tries to present it, but the forced resort to self-defence of the Karabakh population. That was the only choice left to them in order to avoid mass deportation and massacre following their peaceful, legal and just quest for self-determination.

Moreover, Azerbaijan's claim on Nagorny Karabakh and its blind adherence to the principle of territorial integrity is legally deficient and invalid, as Nagorny Karabakh has never been a part of independent Azerbaijan. It was arbitrarily incorporated into the administrative borders of Soviet Azerbaijan. Consequently, after the break-up of the Soviet Union, the people of Nagorny Karabakh peacefully exercised their right to self-determination through popular vote, in accordance with the laws and the constitution of the former Soviet Union and international law. Unfortunately, their quest for self-determination was answered by a military onslaught against them.

With regard to the Security Council resolutions mentioned by the representative of Azerbaijan, if one chooses to refer to a document it is imperative that the reference be made correctly. Armenia has done exactly what Security Council resolutions have called for: to use its good offices with the leadership of Nagorny Karabakh to help find a peaceful solution to the conflict through negotiations within the framework of the Minsk Group of the Organization for Security and Cooperation in Europe.

It is particularly alarming that, despite the ceasefire in place and the peace negotiations under way, there are forces in Azerbaijan, including within high-level official circles, who are calling for a military solution of the conflict. Indeed, it is up to Azerbaijan to engage in the peace process constructively and to negotiate in good faith in order to achieve a speedy resolution to the conflict. My Government has always been an advocate of a peaceful resolution of conflict through mutual compromises based on the realities on ground.

The President: We have heard the last speaker on my list. With the consent of the Council, I shall now give the floor to Sir Brian Urquhart and Judge Nabil Elaraby to respond, if they so wish, to the comments and questions that have been raised. I call on Sir Brian Urquhart.

Sir Brian Urquhart: I greatly appreciated having a chance to listen to this very serious, thought-provoking and, indeed, quite imaginative debate on an extremely important and really very difficult subject. I have absolutely nothing to add to the many ideas and suggestions that have been put forward.

Coming back here after many years, I am impressed all over again, I must say, by the way the Security Council is a curious combination of formality and informality. Of course, the informal side would inevitably lose its value if it were ever publicized. But what impresses me is the reality of 15 highly qualified and dedicated delegations working together day and night on a wide variety of problems — and most of the time working as a team. I think that is a very encouraging sign of the vitality of the Security Council and also of a great deal more work on the peaceful settlement of disputes than the public at large has any idea of. Of course, the formal development of the means of peaceful settlement of disputes may well be a great deal slower to come about. I hope very much that suggestions made in this debate will serve to speed up that very important process.

The President: I thank Sir Brian Urquhart for his clarifications.

I now give the floor to Judge Nabil Elaraby.

Mr. Elaraby: For me also, sitting here today after four years' absence from the Security Council was definitely educational. We all heard comments and assurances from States members of the Council regarding the need to improve and enhance the Council's capacity in the area of the pacific settlement of disputes. The first step towards improvement is to recognize that every system has its defects. Many proposals were made here today, and the overall approach was that members must dedicate themselves to emphasizing their commitment to strengthening the Council. That is a point that should be regarded as very positive.

In the area of preventive diplomacy, it was made very clear this morning by many, quoting the Secretary-General, that we must move from a culture of reaction to a culture of prevention. Here, of course, the Secretary-General's role is very important. His office holds endless potential in the area of the peaceful settlement of disputes; it has definitely surpassed the expectations of those who drafted the Charter in 1945. One can now say that the office of the Secretary-General symbolizes one of the basic purposes of the Charter: to be a centre for harmonizing the actions of nations in the attainment of the common objectives of the United Nations.

This morning, the representative of Germany, in referring to the settlement of disputes and their referral to the International Court of Justice, mentioned my name, saying that perhaps I should like to elaborate on that. So I shall do so very, very briefly.

There are three areas here: the first is wider acceptance of the compulsory jurisdiction of the International Court of Justice — as I said, to date, only 63 out of 190 States have accepted its jurisdiction; the second is more referrals of disputes to the Court by the Security Council, in accordance with paragraph 3 of Article 36 of the Charter; the third is the question of requests for advisory opinions. But if one looks at those three different approaches, one sees that the problem really is that disputes are not taken voluntarily to the International Court of Justice by the parties or

through the Council, through the General Assembly or through the Secretary-General. By "through the Secretary-General", I mean that he can call upon the parties; he still does not have any authority to ask for an advisory opinion.

Many have said that disputes may be politically inspired or politically motivated. Even before the present International Court, the Permanent Court of International Justice tried to clarify that point by saying that a dispute is a disagreement on a point of law or of fact. The present Court has made it very clear that it is aware that political aspects may be present in any legal dispute before it:

> "The Court, as a judicial organ, is however only concerned to establish, first, that the dispute before it is a legal dispute, in the sense of a dispute capable of being settled by the application of principles and rules of international law, and secondly, that the Court has jurisdiction to deal with it, and that that jurisdiction is not fettered by any circumstance rendering the application inadmissible." (*Border and Transborder Armed Actions (Nicaragua* v. *Honduras), Jurisdiction and Admissibility, Judgment, International Court of Justice Reports 1988, p. 91, para. 52*)

So the question of the political aspects of disputes should not really prevent the referral of disputes to the International Court of Justice.

Today, the Security Council made very important and relevant proposals to enhance its role in the pacific settlement of disputes. In fact, a wealth of relevant material exists in the archives of the United Nations. The worthy exercise initiated by you, Mr. President, in holding this special meeting should be pursued vigorously in order to translate existing ideas and proposals into agreed practice.

In that context, I believe that the Security Council may find it appropriate to proceed on three parallel tracks. The first track is early involvement in disputes and active exercise of preventive diplomacy. I think there is general agreement on that; the main thing is to increase such involvement. The second track is always seeking to clarify legal matters. The third track is actively and genuinely reviewing the Council's working methods. Such internal reflection is needed to provide the Council with appropriate tools to carry out its responsibilities. It is time to embark on an action-oriented effort to gain common ground for internal reform.

In conclusion, I should like to express my thanks, appreciation and gratitude to you, Ambassador Akram, and to the Mission of Pakistan. I hope that the process that you initiated will be a successful one.

The President: I thank Judge Elaraby for his comments and his kind words. That brings us to the end of our discussion.

After consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

> "The Security Council, guided by the purposes and principles of the United Nations Charter, reaffirms its commitment to maintain international peace and security through effective collective measures for the prevention and removal of threats to the peace or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.
>
> "The Security Council recognizes that the United Nations and its organs can play an important role in preventing disputes from arising between parties, in preventing existing disputes from escalating into conflicts, and in containing and resolving the conflicts when they occur. The Security Council recalls, in this regard, the successes of the United Nations in these areas.
>
> "The Security Council recalls that the Charter of the United Nations, particularly Chapter VI, sets forth means and a framework for the pacific settlement of disputes.
>
> "The Security Council underscores that the efforts to strengthen the process of the peaceful settlement of disputes should be continued and made more effective.
>
> "The Security Council reiterates its commitment to make a wider and effective use of the procedures and means enshrined in the provisions of the Charter of the United Nations on the pacific settlement of disputes, particularly Articles 33 to 38 (Chapter VI), as one of the

essential components of its work to promote and maintain international peace and security.

" The Security Council decides to continue to keep this item under review."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2003/5.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5 p.m.

United Nations S/PV.4754

Security Council

Fifty-eighth year

Provisional

4754th meeting

Tuesday, 13 May 2003, 5.05 p.m.

New York

President:	Mr. Akram	(Pakistan)
Members:	Angola	Mr. Lucas
	Bulgaria	Mr. Raytchev
	Cameroon	Mr. Chungong Ayafor
	Chile	Mr. Acuña
	China	Mr. Wang Donghua
	France	Mr. De La Sablière
	Germany	Mr. Much
	Guinea	Mr. Boubacar Diallo
	Mexico	Mrs. Arce de Jeannet
	Russian Federation	Mr. Knyazev
	Spain	Ms. Menéndez
	Syrian Arab Republic	Mr. Mekdad
	United Kingdom of Great Britain and Northern Ireland	Mr. King
	United States of America	Mr. Olson

Agenda

The situation in Côte d'Ivoire

Report of the Secretary-General on Côte d'Ivoire (S/2003/374)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

03-35638 (E)

The meeting was called to order at 5.05 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Côte d'Ivoire

Report of the Secretary-General on Côte d'Ivoire (S/2003/374 and Add.1)

The President: I should like to inform the Council that I have received a letter from the representative of Côte d'Ivoire, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Yao (Côte d'Ivoire), took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2003/374, which contains the report of the Secretary-General on Côte d'Ivoire.

Members of the Council also have before them document S/2003/539, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Angola, Bulgaria, Cameroon, Chile, China, France, Germany, Guinea, Mexico, Pakistan, Russian Federation, Spain, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America

The President (*spoke in French*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1479 (2003).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5.10 p.m.

United Nations S/PV.4755

Security Council

Distr.: General
16 May 2003

Original: English

Official communiqué of the 4755th (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Friday, 16 May 2003, at 10.15 a.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"On 16 May 2003, the Security Council, pursuant to resolution 1353 (2001), annex II, sections A and B, held its 4755th meeting in private with the troop-contributing countries to the United Nations Mission of Support in East Timor (UNMISET).

"The Security Council and the troop-contributing countries heard a briefing under rule 39 of its provisional rules of procedure by Major-General Patrick Cammaert, Military Adviser in the Department of Peacekeeping Operations.

"The members of the Council had a constructive exchange of views with representatives of participating troop-contributing countries."

03-36160 (E) 160503

United Nations S/PV.4756

Security Council

Fifty-eighth year

Provisional

4756th meeting

Friday, 16 May 2003, 1.25 p.m.

New York

President:	Mr. Akram	(Pakistan)
Members:	Angola	Mr. Gaspar Martins
	Bulgaria	Mr. Kamenov
	Cameroon	Mr. Chungong Ayafor
	Chile	Mr. Maquieira
	China	Mr. Jiang Jiang
	France	Mr. De La Sablière
	Germany	Ms. Cadenbach
	Guinea	Mr. Cheick Ahmed Tidiane Camara
	Mexico	Mr. Aguilar Zinser
	Russian Federation	Mr. Smirnov
	Spain	Ms. Menéndez
	Syrian Arab Republic	Mr. Mekdad
	United Kingdom of Great Britain and Northern Ireland	Mr. King
	United States of America	Mr. Rosenblatt

Agenda

The situation concerning the Democratic Republic of the Congo

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

03-36195 (E)

The meeting was called to order at 1.25 p.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning the Democratic Republic of the Congo

The President: I should like to inform the Council that I have received a letter from the representative of the Democratic Republic of the Congo, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Ileka (Democratic Republic of the Congo) took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

After consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council condemns the recent killings, the violence and other human rights violations and atrocities in Bunia, as well as the attacks against the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and internally displaced persons who have sought refuge at the MONUC premises, and reiterates that there will be no impunity for such acts and that the perpetrators will be held accountable. It demands that all hostilities in Ituri cease immediately. The fighting is unacceptable. It threatens the stability of the Ituri area and severely undermines the continuation of the peace process and the establishment of the Transitional National Government.

"The Security Council fully supports the work initiated by the Ituri Pacification Commission, established by the Luanda Agreement of 6 September 2002, under which the Ituri interim administration was formed, and encourages donors to provide additional funding and emphasizes that it is up to the various Congolese parties in Ituri to pursue an effective inclusive political and security mechanism in this framework.

"The Security Council welcomes the agreement signed in Dar es Salaam on 16 May 2003 and calls on the parties to implement it fully and without delay.

"The Security Council calls on all parties in the region to end all support to armed groups and refrain from any action that might compromise the return to peace in Ituri, in particular the work of the Ituri interim administration, and reaffirms its strong commitment to the sovereignty of the Democratic Republic of the Congo over all its territory.

"The Security Council expresses its concern at the deteriorating humanitarian situation in Bunia and demands that all parties grant full and unimpeded access for humanitarian aid and guarantee the safety and security of humanitarian personnel. It also calls on the donor community to continue to support the humanitarian organizations.

"The Security Council pays tribute to the work that has been achieved by the staff and contingents of MONUC in Ituri in very difficult conditions, and fully supports them.

"The Security Council welcomes the efforts by the Secretary-General to address the urgent humanitarian and security situation in Bunia, including options for sending an emergency international force, and encourages him to complete consultations to this end as a matter of urgency.

"The Security Council demands that all Congolese parties and regional States involved in the DRC conflict refrain from any action that could undermine the possible deployment of an international force."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2003/6.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 1.35 p.m.

United Nations S/PV.4757

Security Council

Fifty-eighth year

Provisional

4757th meeting

Monday, 19 May 2003, 10 a.m.

New York

President	Mr. Akram	(Pakistan)
Members	Angola	Mr. Lucas
	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Tidjani
	Chile	Mr. Maquieira
	China	Mr. Wang Yingfan
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Guinea	Mr. Traoré
	Mexico	Mr. Aguilar Zinser
	Russian Federation	Mr. Gatilov
	Spain	Mr. Arias
	Syrian Arab Republic	Mr. Wehbe
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Negroponte

Agenda

The situation in the Middle East, including the Palestinian question.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

03-36269 (E)

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East, including the Palestinian question

The President: In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Terje Roed-Larsen, Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General.

There being no objection, it is so decided.

I invite Mr. Roed-Larsen to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Terje Roed-Larsen, Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General. I now give the floor to Mr. Roed-Larsen.

Mr. Roed-Larsen: It was with sadness that, on my arrival in New York, I learned of three suicide bombings against Israeli citizens in 24 hours. My heart goes out to the families of the victims of those senseless acts, which are unjustified on any moral or political grounds. It is my sincere hope that the parties will not be diverted from the quest for peace by this terrorism.

Since the last briefing on the situation in the Middle East, on 16 April, we have seen the tentative budding of a new and fragile Middle East peace process. The events that led to this new beginning were the confirmation by the Palestinian Legislative Council of Abu Mazen as the first Palestinian Prime Minister and the subsequent presentation to the Government of Israel and the Palestinian Authority of the Quartet's road map for Middle East peace.

These are necessary and positive beginnings, but — I will recall — they are only beginnings. Peacemaking is a long, difficult and painful process, not a single, spectacular event. We must temper optimism and hopefulness with the realistic understanding that the road map — and indeed the road to the road map — will be strewn with obstacles, as we have seen lately.

Success will depend upon the good faith and performance of the parties and on the determination of the Quartet, key regional actors such as Egypt, Jordan and Saudi Arabia and the broader international community. They will have to stay the course. Especially in these early days, we must continue to work hard for the implementation of the road map and to assist the parties to follow its path. We must always keep in view the plan's goals: a viable, sovereign and democratic Palestine; a secure and prosperous Israel; and a comprehensive, just and lasting peace in the region.

The obstacles to those goals are numerous. Since the last briefing to the Security Council, 95 people have lost their lives to the Palestinian-Israeli conflict — 79 Palestinians and 16 Israelis. That raises the total death toll since September 2000 to 2,648 Palestinians and 751 Israelis.

On 29 April, the same day that Abu Mazen was confirmed as Prime Minister and his cabinet was approved by the Palestinian Legislative Council, a suicide bomber struck a pub in Tel Aviv, killing three and injuring dozens. On 24 April, a suicide bomber again tragically exploded a bomb in the Israeli town of Kfar Sava, killing one and injuring 13.

The Secretary-General has consistently condemned such cowardly and heinous terrorist acts. He has also recently called on the Israelis and Palestinians not to allow extremists who carry out such repugnant attacks to hijack the peace process and dictate agendas. Above all, terrorists should not have the power to hold hostage a process that has the potential of ending the terror, providing security for Israel and alleviating the plight of the Palestinian people. The groups responsible for terrorist acts should immediately cease all forms of violence and remove that obstacle to peace.

The Palestinian Authority must bring to justice those involved in planning and carrying out those attacks. Under the first phase of the road map, the Palestinian Authority is obligated to "undertake visible efforts on the ground to arrest, disrupt and restrain

individuals and groups conducting and planning violent attacks on Israelis anywhere".

We, of course, recognize that Abu Mazen and Minister of State for Internal Security Mohammed Dahlan need assistance, as called for in the road map, to "rebuild and refocus" the Palestinian security forces in order to effectively provide security for Palestinians and to prevent terror attacks on Israelis. Support from the Government of Israel is necessary to help Abu Mazen and Mr. Dahlan to carry out that task. Reciprocal confidence-building measures are essential in order to create legitimacy and popular support for Abu Mazen's anti-terror policies.

Here we find a natural dependency between Israelis and Palestinians. The terror will not stop unless both sides take reciprocal acts in parallel. But such progress will require, first and foremost, determination, focus and will on the part of the new Palestinian Government. Rapid progress on that front will be an important test of the capability of the Palestinian Authority to take the steps necessary to implement the road map.

Under the first phase of the road map, Israel is required to take "no actions undermining trust, including ... attacks on civilians" or "confiscation and/or demolition of Palestinian homes and property as a punitive measure".

Only hours after the presentation of the road map to the Israeli and Palestinian Prime Ministers, on 1 May, Israeli military operations in Gaza City resulted in the deaths of at least 13 Palestinians and injury to many more. Yet the killings of Palestinian civilians and the destruction of their property continue. House demolitions continue at an average rate of 70 houses per month, a trend that seems to be increasing. The amount of destroyed agricultural land increased by almost 100 per cent in six months.

I wish to make it clear that we do not question Israel's right to self-defence in the face of repeated terrorist attacks. The United Nations must, however, repeat the call on the Israeli authorities to abandon the use of excessive force in densely populated areas and to protect the safety of civilians and preserve their property in keeping with Israel's obligations under international humanitarian law.

It is important in this context to point out that illegal armed elements in Palestinian areas bear a heavy responsibility for violence that affects Palestinian civilians by basing themselves in civilian areas, contrary to international humanitarian law. I note that Prime Minister Abu Mazen has stated that his Government has the goal of disarming such groups.

We also restate our opposition to extrajudicial killings and call on the Government of Israel to desist immediately from such acts. We believe that the best way to ensure the security of Israelis is by resolving the conflict, precisely through the road map.

At each briefing we have informed the Council about the situation regarding humanitarian and socio-economic conditions in the West Bank and the Gaza Strip. As we have stated on many occasions, the humanitarian crisis in the West Bank and Gaza has at its core the movement restrictions imposed by the Israeli security regime. Movement in and out of Palestinian population centres in the West Bank remains restricted due to more than 100 checkpoints and 300 to 400 ditches and earth mounds blocking roads. Those impediments prevent people from reaching medical facilities and from going to schools. Checkpoints and roadblocks are the single largest impediment to the Palestinian economy. My Office is about to release a periodic report on the effects of closure on the people of the West Bank and the Gaza Strip, and some preliminary findings are available.

In the West Bank and the Gaza Strip, poverty rates increased from approximately 25 per cent, in 1998, to 60 per cent — rising to 75 per cent in Gaza by the end of 2002. In the past two years unemployment rates increased more than 20 per cent, to 53 per cent, according to conservative estimates. Since the current crisis started, in September 2000, closure has led to Palestinian losses of $5.4 billion, one year's worth of national income.

Closure continues to dominate the day-to-day reality of most people in the West Bank. Curfew, which restricts people to their homes, is the severest form of closure. During the last six months of 2002 there was an average of 130 days of military-imposed curfew in each of the major towns of the West Bank.

Movement restrictions handicapped Palestinian markets and production in 2002 by hindering both the local and the external marketing of goods. That has created a rapid deterioration in the productive sectors, in effect pushing the Palestinian economy out of production. It has been well documented that Israeli

closure policies have dramatically reduced the number of Palestinians working in Israel, which is currently at nearly one third of pre-crisis levels. But domestic employment has also been hit hard by the current Israeli policies.

According to the Office for the Coordination of Humanitarian Affairs (OCHA), the water and hygiene situation continues to worsen. There is strong evidence that water-related diseases have increased among rural communities, who have been forced to use contaminated water sources. Some 178 Palestinian communities have no water-distribution networks.

More than $1 billion in donor assistance annually, notably food aid and budgetary support, has been critical in stopping the complete economic collapse of Gaza and the West Bank. In 2002 nearly 83 per cent of that total went to emergency and budgetary support, such as paying Palestinian Authority salaries. In the same period food aid distribution managed to stem hunger in areas where markets were severely handicapped and where income loss had impoverished large segments of the population. Such aid is merely slowing the ongoing economic decline and creating a system of dependency, and not providing support for essential sustainable development.

In the face of rising misery among Palestinians, it is essential that the closure regime be lifted in a way that meets Israel's security needs while easing the plight of Palestinians. I would like to say in that regard that we must recognize that Israel is facing a troubling dilemma. In effect — if I may say so — they are "damned if they do and damned if they don't". Only an ending of closure can revive the Palestinian economy and improve living conditions. Such measures, however, might lead to an increase in terrorist attacks. My deep belief is that the road map provides the best way to bridge those concerns. Its approach is to place security and humanitarian obligations on both sides while strengthening the Palestinian Authority's security apparatus on the basis of the new Palestinian Prime Minister's anti-terrorism programme.

This grim situation is exacerbated in the Gaza Strip by a draconian closure regime recently instituted by the Israeli authorities that has resulted in the closing of Gaza to all but those with diplomatic passports. This new situation has been characterized by confusion caused by a lack of effective and appropriate communication from the Israeli authorities and a policy regime that has changed on an almost daily basis. The events of the past few weeks bear fuller description.

Following the suicide bombing in Tel Aviv on 30 April new security measures were imposed at the Erez crossing from Israel into the Gaza Strip, necessitating security checks, including interrogation and body searches, for all internationals not holding diplomatic visas. The average crossing time was extended from the normal 20 minutes to between two and two and one half hours, and in some cases up to nine hours.

On 8 May, the donor grouping, the Task Force on Project Implementation (TFPI), was informed of a set of rules that would be imposed on a permanent basis. The Office of the United Nations Special Coordinator in the Occupied Territories is the representative of the United Nations family on the Task Force, which has responsibility in the donor community for access issues. These rules include the following.

All international staff members who do not hold a diplomatic passport and visa will be subject to a car search and metal detector search on entering Gaza similar to, but more thorough than, the checks that are already in place for international staff members that are leaving Gaza. Secondly, all staff entering Gaza will be asked to sign a declaration that effectively attempts to abrogate Israel's responsibility for the safety and security of United Nations staff, facilities and equipment.

On 9 May, the TFPI was informed that the declaration introduced on 8 May would not be applicable to United Nations staff, but that the Erez crossing would be closed to all foreigners travelling on tourist or work visas issued to staff of non-governmental organizations. On 11 May, the TFPI was informed that, until further notice, the Erez crossing would be closed to all except those holding diplomatic passports and visas. Holders of valid United Nations laissez-passer and service visas for Israel are now barred from entering or leaving Gaza, leaving significant numbers of United Nations staff stuck on either side of the boundary and unable to carry out their work. As of today, some United Nations staff members have been allowed to enter and leave Gaza.

However, the core of the matter is that these policies are violations of the privileges and immunities of United Nations personnel. They run counter to Israel's international humanitarian law obligations as the occupying Power for the well-being of the people

of Gaza. The measures employed at the Erez crossing severely hamper the ability of the United Nations to provide needed assistance to the Palestinian population in the Gaza Strip, which is already under strain. Potentially, hundreds of international staff members will be hampered in the performance of their duties.

On 9 May, the TFPI wrote to the Israeli Coordinator for Government Activities in the Territories requesting a formal notification of the new security measures imposed in the Gaza Strip and urgently requesting a meeting to address the access issue. In addition to the efforts of the Task Force, the Secretariat and the United Nations agencies on the ground are taking steps to express to Israeli authorities the United Nations strong concerns about this situation and to bring about a change in policy. Last Thursday, I met with senior officials of the Israeli Ministry of Foreign Affairs to discuss the situation. As a result, the Ministry agreed to meet with me in my capacity as the Special Coordinator and the heads of United Nations funds, agencies and programmes to hear our concerns and recommendations. I hope that this meeting will lead to the creation of mechanisms that would avoid such fundamental obstruction of United Nations operations essential to upholding a minimum level of Palestinian living conditions.

I wish to state clearly and unequivocally that if these efforts do not result in a significant improvement in access to the Gaza Strip for United Nations staff, it will become progressively impossible to carry out United Nations operations in Gaza. I spoke again to United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) Commissioner-General Hansen this morning about this issue. He asked me to convey to the Council that he is making every effort to keep the Agency's services functioning, but that he cannot do so if these Israeli measures continue. As members of the Council know, nearly two thirds of the population of the Gaza Strip are refugees who depend on UNRWA for health, education and social services. He has confirmed that, in the current situation, it has become already impossible to carry out many humanitarian operations in a satisfactory manner. I must point out that, as the Occupying Power, Israel has prime responsibility for the humanitarian well-being of the Palestinian population under occupation. At present, the United Nations provides a wide variety of essential services in the Gaza Strip. We would expect that, if Israel effectively prevents the United Nations from working, it would recognize and accept its obligation to provide the needed assistance to the Palestinian people of Gaza. In our next briefing to the Council in one month, I hope that we will be able to report that this issue has been resolved.

The humanitarian situation significantly complicates the task ahead for Palestinian Prime Minister Abu Mazen. We welcome his Government's endorsement of the road map and willingness to begin its implementation. This is an important step. The road map, however, is a document that requires of the parties concrete action. I know from my recent discussions with Prime Minister Abu Mazen that he appreciates this feature of the road map.

In his most recent briefing to the Council, Mr. Türk referred to the impressive progress already achieved by the Palestinian Authority in a number of areas. Indeed, Abu Mazen's appointment is a landmark achievement. A number of these accomplishments are called for in the road map and, as a result, Abu Mazen can correctly claim to have made substantial progress in implementing important steps in the first phase of the plan. Such steps include the appointment of a prime minister with empowered executive authority; immediate action on a credible process to produce a draft constitution for Palestinian statehood; continued appointment of Palestinian ministers empowered to undertake fundamental reform; and the establishment of an independent Palestinian election commission. We welcome such progress and look forward to working with the Palestinian Authority to consolidate and deepen these reforms.

We also look forward to progress in the area of security reform as called for in the road map. This is an area in which the Palestinian Authority has tragically failed over the past two years. The fate of Abu Mazen's Government is critically dependent on a radical and credible change of policy. Until the Palestinian and Israeli peoples feel safe and secure, the ultimate hopes of the road map will seem illusory.

As stated in the last briefing, and it bears repeating, Abu Mazen will have two main tasks in the area of security. He will need to restore law and order in Palestinian areas and reverse the breakdown in internal security. Simultaneously, he must take immediate steps to curb terrorism and to bring to justice those involved in carrying out terrorist attacks. He must ensure that Palestinian areas are not launching

pads for attacks on Israelis. The Prime Minister made a good programmatic start along these lines in his speech to the Palestinian Legislative Council when he spoke of disarming armed groups to ensure that the Palestinian Authority is the only authority in Palestinian-controlled areas.

Abu Mazen's work will be greatly aided by the planned renewed attempt by the Government of Egypt to induce all Palestinian groups to agree to a ceasefire. Such a ceasefire would be an important step toward Abu Mazen's goal of having arms only in the hands of a "rebuilt and refocused Palestinian Authority security apparatus", to quote the road map. We commend the Government of Egypt for its determination to achieve this end and stand ready to provide the support of the United Nations to the effort. This effort underlines the importance of the active participation of the Governments of Egypt, Jordan and Saudi Arabia as partners with the Quartet and the parties in the effective implementation of the road map.

The Government of Israel has yet to endorse the road map and commit to its implementation. We hope that Prime Minister Sharon's meeting with Prime Minister Abu Mazen last Saturday has increased Israel's comfort with the peace process and will lead to Israel's support for the road map. We firmly believe that the road map is very much in Israel's interest. It is encouraging that, according to recent opinion polls, a strong majority of Israelis, including voters of Prime Minister Sharon's own Likud Party, support the road map as well.

I find it hopeful that Prime Minister Sharon repeatedly has endorsed the two-State solution and called for the implementation of United States President Bush's 24 June 2002 vision, which calls for the end of the occupation that began in 1967. President Bush has also stated that the road map is a part of this vision.

The parties' endorsement of the goals of the road map and their willingness to begin to take steps along its path are essential. The road map is designed to be a process that requires the parties to take steps in reciprocity and in parallel. While this principle of parallelism does not imply a requirement for acting in lockstep, it does provide for actions by each party within defined periods of time that would build the confidence of the other.

I turn now to the situation along the Blue Line. I visited the Blue Line late last week and was provided with a helicopter tour of the Line by Major General Tewari, Force Commander of the United Nations Interim Force in Lebanon (UNIFIL). I am pleased to report that, despite the tense situation that exists along the Line, the parties have acted with restraint and maintained an overall calm in the area. Council members may recall that the last violent breach of the Blue Line took place in late January. Since then, it appears that all concerned have followed their stated intent to avoid escalatory situations. We hope that this reflects the commitment of all of the parties to respecting the Blue Line.

Notwithstanding this positive situation, I regret having to draw attention — again — to continuing breaches in the form of Israeli air violations of the Blue Line and the anti-aircraft fire by Hizbullah. Hizbullah's anti-aircraft fire has raised an additional concern during this reporting period. On 18 February, an anti-aircraft gun was placed in close proximity to UNIFIL position 8-32. Despite repeated requests to the Government of Lebanon, the gun remains in place. Furthermore, on 28 April, a shell fired from an anti-aircraft gun landed approximately 10 metres outside a UNIFIL position. Shrapnel from the shell hit and pierced the roof of a prefabricated cabin at that position. Although no injuries to UNIFIL personnel were reported, the incident illustrates the dangers from such anti-aircraft fire.

Both the air violations and the ensuing anti-aircraft fire threaten to disrupt the calm that has otherwise characterized the situation along the Blue Line. Once again, we call upon the Government of Israel and the Government of Lebanon to cease these violations and to respect fully the Blue Line. We also call upon the Government of Lebanon to ensure the safety of UNIFIL personnel, so that they will be able effectively to perform their required functions.

In a difficult regional environment, we can celebrate the third anniversary of the Israeli withdrawal from Lebanon, in full compliance with United Nations resolutions. Despite serious and tragic violations such as cross-border raids in which Israelis have been killed and abducted, the border between Lebanon and Israel, and Lebanon and Israeli-occupied Syria, remains calmer than it has been in decades. This should remind us of the power of the Security Council and of Security Council resolutions, the legitimacy that the United

Nations can confer on a peace process, the effectiveness of negotiating under United Nations auspices, and the usefulness of international law.

The road map went through a nine-month gestation. At the end of last month, it had a fragile birth. It will require care from the parties and from the international community to help it grow. But we should not have any false illusions. The birth marked only a beginning, and now the hard work begins.

One should not underestimate the importance of this period in the history of the Middle East conflict. The road map might not be a flawless document, but I believe that it is the best chance to achieve peace that is now available. In addition, it may well be the last chance for the parties to achieve a two-State solution for a very long time.

Two factors contribute to this belief. First, continuing Palestinian terror contributes to the radicalization of the peoples of both communities. It is difficult to imagine that a continuing cycle of violence would make Israelis or Palestinians more willing to make peace in the near future. Secondly, Israel's ongoing expansion of settlements, construction of the separation wall and other public-works projects in the West Bank would, over time, make the creation of a viable Palestinian State, part of which would be on the West Bank, more and more difficult.

If this assessment is accurate, the international community should focus on getting the parties to begin to move along the road map as quickly as possible. Only through the cooperation of Israel and of the Palestinian Authority, with the active support of the Quartet, key regional actors and the rest of the international community, will the vision of peace be achieved.

I should note that no other Middle East peace plan has enjoyed such wide regional and international backing as does the road map. That backing should help sustain the parties even as rejectionists try to derail the process through violence and other means. We must all stay focused on the ultimate goals in the face of such attacks.

In the end, however, the parties themselves must follow the road map, cooperate with each other in its implementation and endure the challenges to its vision. They must learn to work together during the implementation of the road map if they are to live side by side, as foreseen, at the end of the path. That end — a just, lasting and comprehensive peace between Israelis and Palestinians and between Israel and its other neighbours, as envisaged in the road map and consistent with Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002) — is deeply in the interest of all of the peoples of the Middle East.

The President: I would like to thank Mr. Roed-Larsen for his comprehensive briefing.

In accordance with the understanding reached in the Council's prior consultations, I should now like to invite Council members to informal consultations to continue our discussion of this item.

The meeting rose at 10.55 a.m.